

In The Matter Of:
United States vs.
PFC Bradley E. Manning

Vol. 27
August 2, 2013
UNOFFICIAL DRAFT - 8/2/13 Morning Session

Provided by Freedom of the Press Foundation

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21

VOLUME XXVII

IN THE UNITED STATES ARMY

UNITED STATES

VS.

MANNING, Bradley E., Pfc. COURT-MARTIAL

U.S. Army, xxx-xx-9504

Headquarters and Headquarters Company,

U.S. Army Garrison,

Joint Base Myer-Henderson Hall,

Fort Myer, VA 22211

_____ /

The Hearing in the above-titled matter was

held on Friday, August 2, 2013, at 9:30 a.m., at

Fort Meade, Maryland, before the Honorable Colonel

Denise Lind, Judge.

DISCLAIMER

This transcript was made by a court reporter who is not the official Government reporter, was not permitted to be in the actual courtroom where the proceedings took place, but in a media room listening to and watching live audio/video feed, not permitted to make an audio backup recording for editing purposes, and not having the ability to control the proceedings in order to produce an accurate verbatim transcript.

This unedited, uncertified draft transcript may contain court reporting outlines that are not translated, notes made by the reporter for editing purposes, misspelled terms and names, word combinations that do not make sense, and missing testimony or colloquy due to being inaudible by the reporter.

1 APPEARANCES:

2
3 ON BEHALF OF GOVERNMENT:

4 MAJOR ASHDEN FEIN

5 CAPTAIN JOSEPH MORROW

6 CAPTAIN ANGEL OVERGAARD

7 CAPTAIN HUNTER WHYTE

8 CAPTAIN ALEXANDER von ELLEN

9
10 ON BEHALF OF ACCUSED:

11 DAVID COOMBS

12 CAPTAIN JOSHUA TOOMAN

13 MAJOR THOMAS HURLEY

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21

INDEX

August 2, 2013

WITNESS: SUSAN SWART

Examination by:	Page
Major Fein	6
Major Tooman	25
Major Fein	38
Captain Tooman	44
Major Fein	47

1 PROCEEDINGS,

2 THE COURT: Court is called to order.

3 Major Fein, please account for the parties.

4 MR. FEIN: Yes, Ma'am. All parties in
5 Court when last recessed are again present with the
6 exception of Captain Morrow. He is absent.

7 Also, Ma'am, as of 0925 this morning there
8 are seven members of the media at the Media Operations
9 Center, one stenographer. There is no media in the
10 courtroom. There is four spectators in the courtroom
11 and no spectators in the overflow trailer, although one
12 will be available throughout the day.

13 THE COURT: All right. Have there been any
14 new appellate exhibits added to the record?

15 MR. FEIN: Yes, Ma'am. What's been marked
16 as Appellate 630, the Government's reply to the
17 Defense's motion for relief under RCM 1001(b)(4), dated
18 yesterday, 1 August 2013.

19 THE COURT: All right. And the Court
20 received an email from the Defense that the Defense
21 requests an oral argument on this motion.

1 MR. COOMBS: That is correct, Your Honor.

2 THE COURT: All right. The Court -- I met
3 with the parties for a brief RCM 802 conference earlier
4 today where you discuss logistics. That oral argument
5 is going to take place either after the first witness
6 testifies or at the end of the day after the second
7 witness testifies, depending how things shake out for
8 the day, what works best time wise.

9 Is that acceptable to the parties?

10 MR. COOMBS: Yes, Your Honor.

11 MR. FEIN: Yes, Ma'am.

12 THE COURT: Anything else before we call
13 the first witness?

14 MR. FEIN: No, ma'am. Your Honor, the
15 United States calls Ms. Susan Swart.
16 Whereupon,

17 SUSAN SWART,
18 called as a witness, having been first duly sworn to
19 tell the truth, the whole truth, and nothing but the
20 truth, was examined and testified as follows:

21 EXAMINATION BY MAJOR FEIN

1 BY MR. FEIN:

2 Q. You're Ms. Susan Swart, the current Chief
3 Information Officer for the International Monetary
4 Fund?

5 A. Yes.

6 Q. And you were previously the Department of
7 State's Chief Information Officer?

8 A. Yes.

9 Q. You're here today, or at least your
10 understanding you are here today to discuss your
11 expertise in the field of the Department of State's
12 Information Systems?

13 A. Yes.

14 Q. So the Department of State Information
15 Systems and the Department of State's Information
16 Sharing?

17 A. Yes.

18 Q. And, Ma'am, with that --

19 CAPTAIN TOOMAN: Your Honor, we will
20 stipulate as long as limited to the time she was at the
21 Department of State.

1 THE COURT: All right. That's acceptable?

2 MR. FEIN: United States moves Ms. Swart
3 bio for the Department State?

4 THE COURT: Any objection?

5 CAPTAIN TOOMAN: No, ma'am.

6 THE COURT: Based on that stipulation the
7 foundational questions can be limited.

8 MR. FEIN: Yes, ma'am.

9 BY MR. FEIN:

10 Q. Ma'am, when did you leave the Department of
11 State?

12 A. The end of July 2012.

13 Q. Thank you. What were your general duties
14 and responsibilities as the Chief Information Officer
15 at the Department of State?

16 A. To oversee the information systems of the
17 Department, administrative systems, general messaging
18 systems and the communications both within the
19 headquarters and in the field.

20 Q. And when you were still at the Department,
21 were you a Foreign Service Officer?

1 A. Yes.

2 Q. How long were you a Foreign Service
3 Officer?

4 A. 23 years.

5 Q. And what rank within the Foreign Service
6 did you retire?

7 A. Minister Counselor.

8 Q. What is the equivalent in the military?

9 A. I think about a two star.

10 Q. Thank you. How many years within the 23
11 years did you deal with information management or
12 information sharing, within your entire career as a
13 Foreign Service Officer, approximately?

14 A. Approximately 19. Maybe more. 20.

15 Q. As the CIO of the State Department, what
16 level or what kind of an organizational chart does that
17 fall?

18 A. An Assistant Secretary equivalent. So I
19 reported directly to the Undersecretary for Management.

20 Q. Thank you. And prior to becoming the CIO
21 what position did you hold?

1 A. Deputy CIO.

2 Q. And very briefly, could you kind of
3 summarize for the Court the different positions you
4 held overseas in the field of information systems and
5 information sharing?

6 A. I was the Information Management Officer at
7 the Embassy in Cairo. The Information Management
8 Officer at the Embassy in Lema and the Deputy Systems
9 Manager, systems manager at Cairo, and Caracas.

10 Q. So those four overseas assignments, what
11 were your general duties, as far as the information
12 management, information systems and information
13 sharing?

14 A. So in the Information Systems Officer was
15 overseeing the unclassified applications, how those
16 ran, counselor, financial, the logistics type systems
17 and messaging systems. As the IMO, so in Cairo and in
18 Lema overseeing all of those systems, plus the
19 classified systems and the communications capability
20 for the mission.

21 (Pause)

1 Q. As the CIO or Deputy CIO, Department of
2 State, have you ever had a representative Department of
3 State within the U.S. Government, either interagency or
4 before Congress?

5 A. Yes, once before Congress on IT security
6 and in a number of interagency groups with other
7 agencies related to IT issues, the CIO counsel, the IPC
8 following WikiLeaks and a number of other interagency
9 groups.

10 Q. What is the CIO counsel?

11 A. The CIO counsel is a collection of CIOs
12 from agencies that are large agencies that get together
13 on a monthly basis and help implement administration
14 priorities related to IT.

15 Q. What is the IRM department at the
16 Department of State. First what does the IRM stand for
17 and what was it?

18 A. Information Resource Management. And it's
19 the department that does centralized IT for the whole
20 State Department.

21 Q. And how did that fall under your --

1 A. Yes, I was the head of that department.

2 Q. As the CIO?

3 A. Some had Assistant Secretary title and the
4 CIO is head of IRM.

5 Q. And specifically what role did IRM play
6 within the Department of State?

7 A. Managed communications worldwide, includes
8 network communications, telephones, radios and manage
9 the systems data centers and develop some systems also,
10 classified and unclassified.

11 Q. In that management of systems, does that
12 include the telegrams and cables that are sent to
13 embassies?

14 A. Yes, it does.

15 Q. And as the CIO and Deputy CIO, were you
16 involved in decisions about how cables were
17 transmitted, accessed or stored prior to 2010?

18 A. Yes.

19 Q. Prior to WikiLeaks?

20 A. Yes.

21 Q. Can you describe in general terms the

1 process by which cables were sent or available to
2 customers?

3 A. Okay. Cables, if I take a headquarter's
4 view, cables were sent pushed electronically to other
5 agencies based on an organizational address.

6 Q. And what do you mean by that?

7 A. Fort Huachuca -- there's an address that's
8 recognized by the system that says Fort Huachuca. That
9 message would be sent pushed out to Fort Huachuca
10 because it was addressed by the originator to Fort
11 Huachuca.

12 Q. Is this an automated process or is someone
13 literally like a telephone operator?

14 A. It's an automated process.

15 Q. And what about within the department, once
16 a cable is pushed out from an embassy or any location?

17 A. A cable that is pushed out, it comes to an
18 address, such as the address for headquarters, and then
19 it is distributed based on a set of rules to various
20 subcomponents of the organization and then to
21 individuals.

1 Q. And has that system been in place or how
2 long has that system really been in place generally
3 within the Department of State?

4 A. That basic system -- there have been some
5 modifications -- but that basic logic of that system,
6 the way it works, has been in place, well, I know more
7 than 23 years.

8 Q. Longer your term at the Department of
9 State?

10 A. Yes.

11 Q. What is Net Centric Diplomacy?

12 A. Net Centric Diplomacy was an approach to
13 providing, identified by the originator or the
14 approver, cable traffic that would be valuable in the
15 interagency community.

16 Q. What do you mean by "valuable" interagency
17 community?

18 A. That other organizations would find the
19 reporting or whatever was put into NCD valuable to
20 their work, relevant to their work.

21 Q. And why was NCD then created?

1 A. Because there were people that were not
2 getting information that they needed to do their job
3 through traditional means.

4 Q. How did NCD fix that issue?

5 A. Because, if you were on SIPRnet or on the
6 classified network at the Department you could access
7 any of the telegrams or messages that were captured
8 with a certain caption and sent to that system. More
9 of a pull method.

10 Q. What do you mean by "pull"?

11 A. If you were on the system, if you had
12 access to the classified system, SIPRnet or class net
13 you could get those telegrams. So you would go out to
14 look for them, as opposed to wait to get to you through
15 the push method.

16 Q. So you mentioned push and pull.

17 A. Can I use an analogy.

18 Q. Please.

19 A. If I'm pushing something -- if I was going
20 to push a message, let's say to Vienna, Virginia, I
21 would send it with an address, Vienna, Virginia. Then

1 they would determine whether it would go to the fire
2 chief or the mayor or the head of the hospital, et
3 cetera.

4 In the other method that NCD used, all
5 those people, end point people that have access to the
6 SIPRnet or to class net, they could then go and look
7 for those messages based on the topic.

8 Q. Thank you. And who used NCD to access
9 cables?

10 A. Largely DoD users, SIPRnet users, State
11 Department people used it too.

12 Q. How did Department of State employees use
13 Net Centric Diplomacy?

14 A. Because the interface was very nice.
15 Easily go out and find things that might not have
16 reached them because of their job or their
17 organizational tie. They could go out and see certain
18 kinds of reporting they couldn't see, they wouldn't get
19 through the traditional method or couldn't get easily.

20 Q. What are some examples of Department of
21 Defense, that you personally know, Department of

1 Defense employees that would be using NCD and rely on
2 it?

3 A. Individuals that were in the field, using
4 that loosely, in the field that would not have an
5 avenue to get that kind of cables, they weren't getting
6 that kind of information, information that they
7 identified as needing through the traditional methods.

8 So they found that interface helpful and
9 get it quickly. As soon as it was sent with a caption
10 it would be posted to NCD and they had access to it.

11 Q. Based on your experience was it an
12 effective way of sharing Department of State cables
13 with other organizations?

14 A. Yes.

15 Q. Why?

16 A. Because you could determine or pursue what
17 you needed to see versus waiting for the Legacy System
18 to get it to you, if it ever did.

19 Q. By you, you mean the end user?

20 A. The person at the end of the line.

21 Q. Are you familiar, now I will just focus on

1 the WikiLeaks disclosures, Pfc Manning's misconduct.
2 Are you familiar with the WikiLeaks releases in this
3 case?

4 A. Yes. Not the subject matter in great deal
5 but, yes.

6 Q. That it occurred?

7 A. That it occurred, yes.

8 Q. When did you first learn of the purported
9 State Department information being available publicly?

10 A. Sometime in 2010. The exact dates --

11 Q. No, ma'am. Just was it spring or fall?

12 A. The spring, I think.

13 Q. Of 2010 or --

14 A. 2010. I was aware on the Reykjavik cable
15 that that happened. And from all the events on.

16 Q. Yes, Ma'am. Were you or IRM under your
17 responsibility involving, reacting or responding to the
18 immediate release of information?

19 A. Yes.

20 Q. And how?

21 A. We started reviewing our systems, looking

1 at the logs, tightening up our own security,
2 republishing our guidance, a whole series of events --

3 CAPTAIN TOOMAN: Your Honor, we would just
4 interject our 1000(b)(4) objection here.

5 THE COURT: Got it. Go ahead.

6 BY MR. FEIN:

7 Q. How are you or IRM involved in responding
8 immediately?

9 A. Immediately reviewing the access to NCD.
10 How we provided access to NCD and how we would go about
11 limiting that access.

12 Q. Why was that the immediate discussion with
13 IRM?

14 A. Because we manage the system. We had to
15 figure out technically how we would do that, when that
16 decision ran, if that decision was made to cut it off.
17 Which it was made rather quickly.

18 THE COURT: Did I not see in your motion
19 the Government saying you are not bringing that kind of
20 information before the Court?

21 MR. FEIN: No, Ma'am. What the United

1 States drew the line the immediate effects in order to
2 mitigate harm, Your Honor, versus the steps the
3 Government took in order to prevent future acts similar
4 to Pfc Manning's.

5 So here specifically written in the motion
6 was the mitigation team at the Department of State and,
7 of course, discuss it later, but the United States
8 doesn't intend to go through any of this with Ms. Swart
9 or any other witness.

10 THE COURT: Go ahead.

11 CAPTAIN TOOMAN: Note our objection to
12 mitigation efforts by the Government generally.

13 THE COURT: I have heard the objection. Go
14 ahead.

15 BY MR. FEIN:

16 Q. After the immediate releases what other
17 steps did IRM take in order to prevent continuing
18 disclosures in that immediate timeframe?

19 A. Redefined the use of -- working with
20 others -- reiterate how SIPDIS should be used, have it
21 cut off the system, looked at any possible ways to

1 provide access through other avenues. Implemented
2 training.

3 Q. Yes, Ma'am. And now, Ma'am, to focus on
4 information sharing. Once NCD was removed from
5 SIPRnet, how did customers get access to the cables?

6 A. They either got them through jwics -- jwics
7 users continued to see telegrams that had SIPDIS
8 caption. And others, very few others, very few,
9 handful, we worked on a couple of workarounds for
10 individuals so they could have access. Then they
11 relied on the Legacy, went back to the Legacy method of
12 getting telegrams.

13 THE COURT: What was the Legacy method?

14 THE WITNESS: The pushing, where you send
15 them to an addressee.

16 BY MR. FEIN:

17 Q. Did the Department ever try to develop
18 another type of system similar to NCD that would
19 track -- that would limit users on SIPRnet from pulling
20 this information? I'll ask it a different way.

21 A. Did we think about doing that? Yes, there

1 was discussion of another avenue.

2 CAPTAIN TOOMAN: Your Honor, we think this
3 would fall under what they did to prevent future acts.

4 THE COURT: As I am looking at this, United
5 States maintains it would not present evidence in
6 subsequent medial measures to prevent -- sounds very
7 like that to me.

8 MR. FEIN: Yes, Ma'am.

9 Why would NCD with information sharing,
10 were there not greater, I guess, security provisions
11 required for soldiers or --

12 A. Because the belief was, everyone who had
13 access to the system, whether class net or the
14 department or SIPRnet, they were vetted and cleared to
15 handle classified information.

16 BY MR. FEIN:

17 Q. Do you believe that stricter controls
18 should have been in place in order to secure NCD at the
19 time of the --

20 A. Pre-the compromise?

21 Q. Yes.

1 A. No. I believe that the intent of the
2 system was correct. If your on the system, and you are
3 cleared, you have been cleared to handle classified
4 information, you're going to handle it appropriately.

5 Q. Ma'am, in your experience would there have
6 been an effective way to allow users across SIPRnet to
7 access the information and then put controls in place
8 to track that access by person?

9 A. I don't think that there would have been a
10 feasible way to do that.

11 Q. What do you mean?

12 A. Technically we could give everybody a logon
13 and password but then we would have to manage that.
14 That was not very feasible.

15 Q. Why was it not feasible?

16 A. Because of the numbers.

17 Q. And what do you mean?

18 A. Because so many people have access to
19 SIPRnet.

20 Q. Could there have been another, any other
21 type of technical means implemented, another system

1 prior to the release of these purported cables?

2 A. That would have allowed the same kind of
3 access?

4 Q. Yes, Ma'am.

5 A. I don't think so.

6 Q. What would the drawbacks have been, if the
7 State Department had implemented these user name or
8 logon or other restrictions?

9 A. Besides that it would have been resource
10 intensive to manage that, I think just the bureaucracy
11 of getting log-ons for everybody and monitoring them
12 basically across the world would significantly limit
13 the access. Just the bureaucracy of managing all that
14 from the State Department's point of view.

15 To manage IDs and passwords or log-ons
16 across that whole spectrum for the State Department
17 would have been a huge bureaucratic burden, and I
18 believe it would be a burden on the individual, as you
19 compare it to the type of access they had here in NCD.

20 Q. And then, Ma'am, would the same information
21 then be available to all these users?

1 A. I don't think it would have been available.
2 That's what drove the creation of NCD, because it
3 wasn't available.

4 MR. FEIN: Thank you, very much. There's
5 no further questions, Your Honor.

6 CAPTAIN TOOMAN: Can I have a moment, Your
7 Honor.

8 EXAMINATION BY MAJOR TOOMAN
9 BY CAPTAIN TOOMAN:

10 Q. Ma'am, you testified that you were the
11 Chief Information Officer at the Department of State
12 when WikiLeaks happened?

13 A. Yes.

14 Q. As the CIO, you were responsible for all
15 the information resources at the Department of State,
16 correct?

17 A. Generally, yes.

18 Q. Information Resource Management I think is
19 the term you used?

20 A. Yes.

21 Q. And as the boss of IRM, you are responsible

1 for all the cables, correct, and how they moved
2 throughout the Department of State, correct?

3 A. No. There are some other handling
4 instructions and people that handle certain parts of it
5 that were not under IRM's control, so not under mine.

6 Q. Generally you were responsible for how
7 folks accessed --

8 A. How they are electronically disseminated
9 and accessed electronically.

10 Q. How they are accessed and how they are
11 distributed?

12 A. With some exception.

13 Q. What were those exceptions?

14 A. Things that go to the Secretary.

15 Q. So to the highest level. You wouldn't have
16 anything to do with that?

17 A. Just that -- we had a feed to them. They
18 controlled their own dissemination.

19 Q. So as the person who was responsible for
20 how this information was held and how it was
21 distributed, when this happened you probably got asked

1 a lot of questions?

2 A. Yes, around NCD, yes.

3 Q. They probably asked you a lot of questions
4 on how this happened?

5 A. People were fairly well versed with NCD.
6 The people that were part of that discussion.

7 Q. Your bosses would have come to you and said
8 Ms. Swart, how did this happen; why did this happen?

9 A. I think they understood how it happened. I
10 don't know.

11 Q. So no one came to you and said --

12 A. To discuss what to do, post how it happened
13 or how the access list to NCD in my opinion was fairly
14 widely known.

15 Q. Okay. So no one was looking to you for
16 questions on how this might have happened?

17 A. Maybe to understand better how -- I have to
18 say generally, no. People knew what the intent was at
19 NCD and what the access mechanism was.

20 Q. They didn't ask you any questions about,
21 hey, was there anything we could have done to stop

1 this?

2 A. I think in the sense of going forward and
3 could we have put, kind of using as an example logon
4 and passwords, yes. But in the discussion in the
5 buildup of NCD, that hurdle was kind of already crossed
6 in actually creating the system the way it was.

7 Q. After this happened no one asked you tough
8 questions about the fact that this happened?

9 A. They asked me about -- I mean not in the
10 sense, if you're going towards did I feel blamed? I
11 didn't feel blame, no. There was enough understanding
12 with my -- no, I don't think so.

13 Q. Okay. I want to talk about SIPDIS and the
14 NCD generally. SIPDIS was a caption that, when an
15 author at an embassy would draft a cable, they would
16 put SIPDIS on it and it would go to the NCD, correct?

17 A. Yes. The author and the approver, yes, of
18 the telegram.

19 Q. It ends up in the Net Centric Diplomacy --

20 A. Yes.

21 Q. The way the Net Centric Diplomacy database

1 worked was, you talked about the push and pull method.
2 This was more of a pull method?

3 A. Yes.

4 Q. So the NCD has all these cables and you get
5 access to the NCD to your interagency partners?

6 A. They get access because class net, where
7 NCD sat, the State Department is connected to those
8 other classified networks.

9 Q. And then really it was up to those
10 agencies. If you are sharing with DoD, DoD would
11 control who had access to the NCD?

12 A. They control it by who has access to
13 SIPRnet.

14 Q. So DoD is deciding, hey, we want Captain
15 Tooman to have SIPRnet; they give me access or any
16 soldier access?

17 A. Yes.

18 Q. Or they give any soldier access?

19 A. Yes.

20 Q. Now after the leaks you mentioned that the
21 NCD was taken off of SIPRnet, right?

1 A. Yes.

2 Q. And then it was just available jwics?

3 A. Yes.

4 Q. And it was still the pull method, wasn't
5 it?

6 A. Yes. On jwics.

7 Q. If you are sharing with the DoD, the DoD is
8 still determining who had access to jwics, right?

9 A. For their users on jwics.

10 Q. Soldiers or airmen or sailors or marines,
11 DoD is telling them, yes, you get access to jwics,
12 correct?

13 A. Yes.

14 Q. So DoD would be making the determination,
15 would still be making determination as to who got
16 access to the NCD?

17 A. I don't think that's what they are thinking
18 when they are giving them access to jwics. I think
19 they are not going to think -- okay -- the reason they
20 are giving someone access to jwics is probably related
21 to their job responsibilities and not so they can get

1 to NCD.

2 Q. Sure. The DoD is still the one determining
3 who has access to jwics, right?

4 A. Yes.

5 Q. And, if the DoD felt that someone needed
6 access to jwics, they would give them access to jwics,
7 presumably?

8 A. If they needed access to jwics, for the
9 intent of jwics.

10 Q. So if someone needed access to these
11 cables, and these cables were on jwics, the DoD still
12 had the power to give those individuals access,
13 correct?

14 A. They may have had the power, but that
15 wouldn't have been a logical way to get them to NCD in
16 my opinion.

17 Q. But they could?

18 A. Technically they could.

19 Q. They could give anybody access to jwics, if
20 they wanted, DoD could do that?

21 A. Technically speaking. But, again, I say

1 that would be illogical.

2 Q. Okay. DoD or any other agency is in the
3 best position to determine what their people need
4 access to, right?

5 A. Yes.

6 Q. If they decided that this soldier or this
7 sailor needs access to cables, and the cables are on
8 jwics, they could say, we'll give you access to jwics,
9 if they wanted to?

10 A. They could. But I don't buy the logic.

11 Q. Okay. Let's talk a little bit more about
12 SIPDIS cables. These go to NCD. Before the leaks they
13 were on SIPRnet?

14 A. Yes.

15 Q. You knew SIPRnet was a wide distribution?

16 A. Uh-huh.

17 Q. You knew a lot of people -- Ma'am, I just
18 need you to give verbal answers, yes or no.

19 A. Yes.

20 Q. You all knew that SIPRnet had a lot of
21 users?

1 A. Yes.

2 Q. And, in fact, understanding that you put
3 out guidance to the embassies around the world to the
4 people drafting these, here's what you put in them;
5 here's what you don't put in them?

6 A. Yes.

7 Q. Now there are a number of other captions
8 that can be used to limit distribution, right?

9 A. Uh-huh.

10 Q. And I want to walk through some of those.
11 One of those captions would be, I'll probably butcher
12 the pronunciation of this, but it would be "agreement"
13 or probably said with a more French accent?

14 A. Agreement. Yes.

15 Q. That would be used for communications
16 between the ambassadors and secretary?

17 A. I believe so. But that's not a common --
18 go ahead. It's not a common --

19 Q. But it existed?

20 A. It existed.

21 Q. That would be top level stuff?

1 A. Yes.

2 Q. Okay. There's something called Dergan as
3 well?

4 A. Yes.

5 Q. That would be between the director, like
6 human resource type stuff?

7 A. Yes.

8 Q. And then there would be NODIS, which is
9 kind of a weird name because it means no distribution,
10 but that was one of the captions?

11 A. Yes.

12 Q. And these were highly sensitive, correct?

13 A. I think they were controlling who gets --
14 sensitive isn't the label I would put on those. They
15 are around specific kinds of content. I think
16 Agreement is about the host nation's country's approval
17 of a certain ambassador. It's a very narrow subject.
18 A Dergan is giving an individual privacy to talk
19 directly to the director general of the foreign service
20 about a specific issue.

21 Q. Sure. And NODIS messages are messages

1 between chief of mission, ambassadors, Secretary of
2 State and President?

3 A. Yes.

4 Q. Again, high level?

5 A. Yes.

6 Q. And those sorts of messages you don't just
7 leave laying around. Those get locked up at the end of
8 each day. There is something called the Roger Channel
9 as well?

10 A. Yes.

11 Q. Roger Channel is where you would distribute
12 intelligence, correct?

13 A. Certain kinds of intelligence.

14 Q. What kinds of intelligence?

15 A. Talking to the subject within the content
16 of it, I can't really speak to that. Intelligence
17 information.

18 Q. Okay. And then STADIS is another one?

19 A. Yes.

20 Q. Something internal to the State Department?

21 A. State only, yes.

1 Q. Okay. EXDIS. Is that exclusive
2 distribution or executive distribution?

3 A. Yes.

4 Q. Okay.

5 THE WITNESS: I think it is executive
6 distribution.

7 BY CAPTAIN TOOMAN:

8 Q. That, again, high level?

9 A. Yes.

10 Q. And then TERRA as well?

11 A. Yes. It's a channel but I couldn't speak
12 very well to what's in that.

13 Q. Related specifically to terrorism?

14 A. Yes.

15 Q. Is that right?

16 A. Yes.

17 Q. I want to talk briefly about the cables,
18 purported cables. Did you look at those cables? Did
19 you do any sort of review of those?

20 A. Of the content of the cables?

21 Q. Not the contents substantively. Did you

1 look at them?

2 A. No.

3 Q. Are you familiar --

4 A. No.

5 Q. Are you familiar with how they were
6 classified?

7 A. I mean just in generalities. Maybe at one
8 point I would have known the numbers. Am I going to
9 know them now; like how many were this classification;
10 how many were that?

11 Q. If I give you the number, will you be able
12 to tell if it's in the ballpark?

13 A. Maybe.

14 Q. Okay. Does 133,887 unclassified sound
15 about right?

16 A. Yes.

17 Q. Does 100,748 confidants sound about right?

18 A. About right, I guess.

19 Q. Okay. Does 15,652 secret sound in the
20 ballpark?

21 A. In the ballpark.

1 Q. And none of those were top secret?

2 A. None of those were top secret.

3 Q. I want to go back to jwics. When you would
4 caption something SIPDIS after WikiLeaks, it would
5 still go to the Net Centric Diplomacy database?

6 A. Yes.

7 Q. But it wouldn't necessarily be top secret.
8 Even though that's where we keep our top secret stuff.

9 A. We still did not have top secret stuff.

10 Q. Right. Probably the same sort of breakdown
11 in terms of classification.

12 Could I have a moment, Your Honor?

13 THE COURT: Yes.

14 CAPTAIN TOOMAN: No further questions,
15 Ma'am.

16 THE COURT: All right. Government have any
17 redirect?

18 EXAMINATION BY MAJOR FEIN

19 BY MR. FEIN:

20 Q. Two questions, Ma'am. You spoke about
21 captions and substance. Would you please explain for

1 the Court how captions are used for routing?

2 A. There's a certain kind of -- it's used for
3 distribution, not route. So it would control the
4 distribution once it gets to whoever it is addressed
5 to. And based on that caption disseminated according
6 to the rules of that caption.

7 Q. Now you started to say, but you didn't
8 finish an answer about sensitivity and why you don't
9 consider the level of sensitivity to necessarily
10 warrant a caption. What do you mean by that?

11 A. So the sensitivity to me is the
12 classification. And the captions are more about the
13 content and the type of information that are included
14 in those captions, messages.

15 Q. What do you mean by sensitivity is --

16 A. If I use an HR, there's like a per channel
17 or a med channel. Med channel would be about medical
18 conditions related to an individual. And not about
19 whether or not there are classified, unclassified or
20 confidential. Because that information needs to be
21 known by med and the individual. There's no added

1 value to anybody else knowing that information.

2 Q. Is that independent of the classification?

3 A. Independent of the classification.

4 Q. So if it was a EXDIS or NODIS cable, is
5 that determination and that caption independent of the
6 classification?

7 A. Yes.

8 Q. When the Defense Counsel asked you about
9 EXDIS and NODIS being types of cables that aren't just
10 left out at the end of the day, are any classified
11 cables in your experience left out at the end of the
12 day?

13 A. No, they are not.

14 Q. Why not?

15 A. Because there are rules about the storage
16 of classified information. They can't be left out.
17 You have to control them. There are rules how they are
18 controlled.

19 Q. Does that have anything to do with the
20 captions or tags or anything else about the cable?

21 A. No. In fact, it is totally related to the

1 classification of the telegram.

2 Q. I know that throughout this trial and you
3 talking with counsel the term captions and tags have
4 been confused. What's the difference?

5 A. A tag is around the subject matter. So you
6 can, if it's about -- there are -- AMGT would be about
7 management issues. BUD would be about budget. And
8 there are country tags and there are topic tags.

9 So it's a way of improving the storage of
10 information and retrieval around those subjects. In
11 some cases sub-distribution. And A caption is around a
12 certain kind of communication channel, I would say.
13 Using med is to med and the director general is to the
14 director general and NODIS is to the secretary.

15 Q. Ma'am, in terms of the numbers that Captain
16 Tooman used with you about the purported released
17 cables, do you know whether -- were those numbers how
18 the cables were marked or whether those cables were
19 actually gone through a classification to be determined
20 to be unclassified, secret or confidential?

21 A. I believe how they were marked.

1 Q. That's how they were inputted, but not
2 necessarily based off the actual subject matter?

3 A. Yes.

4 Q. When you were talking -- when you were
5 testifying about NCD being removed. Why was it removed
6 from SIPRnet?

7 A. In reaction to WikiLeaks.

8 Q. And what do you mean by that?

9 A. To the information being shared over the
10 internet.

11 Q. And you also mentioned, when you testified,
12 when Captain Tooman asked you about that, it was fairly
13 obvious about why, about why this happened. What did
14 you mean by fairly obvious?

15 A. Can you say that again.

16 Q. Sure. When he asked you about it being,
17 NCD being removed from SIPRnet, your answer was, it
18 fairly obvious why you weren't asked any other
19 questions about NCD.

20 A. The way NCD operated, it was known. It was
21 not a surprise that users on SIPRnet had access to the

1 system. I mean it was advertised that way throughout
2 its history.

3 Q. Was it a surprise that 251,000 cables were
4 stolen and transmitted?

5 A. Yes.

6 Q. Why was that a surprise?

7 A. Because the belief was that the people that
8 were vetted to be on classified systems, regardless of
9 where those classified systems were, understood the
10 rules for handling classified information.

11 Q. Ma'am, when you talked about the NCD being
12 removed from SIPRnet, Defense then asked you about it
13 being available of jwics?

14 A. Yes.

15 Q. Jwics secret or top secret?

16 A. Top secret.

17 Q. So when NCD was removed from SIPRnet, would
18 those individuals within DoD have access to those
19 cables, if they didn't have a top secret clearance?

20 A. No. In the State Department. I don't know
21 if this was the same for DoD. Not every single person

1 who has a top secret clearance has access to jwics.
2 It's a subset of that group.

3 Q. You also testified on cross examination
4 about the Legacy System. The Legacy System that was
5 available post WikiLeaks, is that the same Legacy
6 System that was available pre-NCD?

7 A. Yes.

8 Q. And did that Legacy System pre-NCD, did
9 that system meet the requirements of information
10 sharing within U.S. Government?

11 A. I would say, no, it didn't.

12 Q. Why?

13 A. Because it was not -- because of the
14 structure of the distribution of telegrams out of that
15 system, and the systems that it went to in other
16 agencies, it did not always reach the people that would
17 need or find value in that information.

18 MR. FEIN: Thank you, Ma'am. No further
19 questions, Your Honor.

20 THE COURT: All right. Defense.

21 EXAMINATION BY CAPTAIN TOOMAN

1 BY CAPTAIN TOOMAN:

2 Q. When NCD got pulled off the SIPRnet, you
3 didn't get very many complaints, did you?

4 A. I wasn't the focal point for the
5 complaints. We did get complaints.

6 Q. Not very many?

7 A. I don't think we got millions of
8 complaints. But we got complaints.

9 Q. And there was a process in place through
10 which a work around --

11 A. Yes.

12 Q. So if someone came to you and complained,
13 and you all determined that they had a need to know
14 this information for some reason, they could be given
15 access?

16 A. Well, it was a very small subset. I would
17 say many of those or the majority polads, State
18 Department people with DoD commands that needed NCD to
19 access information. And then a very few, limited
20 number of high level people within DoD, like a handful.

21 Q. Those high level people in DoD didn't have

1 jwics?

2 A. I don't know if they all had jwics. I
3 don't know if anybody in DoD had jwics. They don't.
4 It's a smaller subset. If they had access to Jwics,
5 then they could have gotten it that way.

6 Q. When you say high level --

7 A. In fact, state flag officers in my
8 recollection.

9 Q. But suffice it to say, when people came to
10 you and asked you, hey, we still would like to have
11 this, there was a way in which you could still give it
12 to them, correct?

13 A. No. Technically, of course.

14 Q. And you did.

15 A. To a very, very, very small subset of
16 people that we individually discuss and talk to
17 determine whether or not how critical that need was.
18 It wasn't as if, you know, if you can't get up the
19 steps, here's a ramp to walk up to get to the entrance
20 of the building. It was not an avenue that was
21 available to very many people.

1 CAPTAIN TOOMAN: Okay. Thank you.

2 THE COURT: Follow-on redirect?

3 EXAMINATION BY MAJOR FEIN

4 BY MR. FEIN:

5 Q. In that answer just now you said
6 technically, yes, but -- you didn't finish that. What
7 is that point?

8 A. We didn't do it just because it was
9 technically feasible. We vetted and scrutinized the
10 justification that all of those people gave before we
11 allowed the handful of them access to NCD.

12 Q. Why did the Department of State have to vet
13 Department of Defense?

14 A. Because after the WikiLeaks incident you
15 couldn't just believe that it's a trusted individual.

16 MR. FEIN: Thank you.

17 THE COURT: All right. Temporarily or
18 permanently excused.

19 MR. FEIN: Temporarily, Your Honor.

20 THE COURT: Ms. Swart, you are temporarily
21 excused. Please don't discuss your testimony with

1 anyone other than counsel and the accused while the
2 trial is still going on. Thank you.

3 (Witness temporarily excused.)

4 THE COURT: Counsel, looking at time it
5 appears this morning will be a better time for oral
6 argument. How long of a recess do you need before we
7 begin.

8 MR. FEIN: 20 minute recess.

9 THE COURT: Court is in recess for 20
10 minutes.

11 (Brief Recess)

12 THE COURT: Court is back in order. All
13 parties present when the Court last recessed are again
14 present in Court.

15 MR. FEIN: I'm sorry, Ma'am. Captain
16 Overgaard is out. Captain von Ellen is present.

17 THE COURT: Thank you. During the recess I
18 asked the parties to provide me with the tasking from
19 Secretary Gates for the task force that was testified
20 about yesterday -- not yesterday -- two days ago from
21 Brigadier General retired Carr and Mr. Kirchhofer.

1 Does either side have any objection to me
2 considering this as an appellate exhibit for purpose of
3 this motion?

4 MR. COOMBS: No, Your Honor.

5 MR. FEIN: No, Ma'am.

6 THE COURT: Copy marked as appellate
7 exhibit.

8 Defense, are you ready to argue?

9 MR. FEIN: 631.

10 THE COURT: Thank you.

11 THE COURT: What is Appellate 630.

12 MR. COOMBS: Government's response, Ma'am,
13 I believe. 629 Defense's motion.

14 THE COURT: Okay.

15 MR. COOMBS: Your Honor. We had, prior to
16 the start of this case, had significant litigation on
17 what would and would not be appropriate during the
18 merits phase.

19 And during those arguments with regards to
20 what was or was not the damage caused by these leaks,
21 the Government's position was what could happen was

1 relevant in merits. That's what was only relevant in
2 merits.

3 The actual damage, what actually happened,
4 that would be relevant only in the sentencing phase.
5 And that's what the Court determined and that is the
6 position that we advance from that point.

7 So we talked about and heard testimony
8 about what could happen during the merits phase. And
9 now, when we get to the sentencing phase what is
10 relevant is what actually happened, the actual damage.
11 That is what is relevant. It's relevant from the
12 standpoint of 1001(b)(4).

13 In the Defense's motion we lay out our
14 position on 1001(b)(4) and obviously the Court has had
15 the ability to read that. So for our oral argument I
16 would like to concentrate on the Government's reply.

17 So looking at the Government's reply, the
18 Government starts off talking about the fact -- this is
19 going into Page 3, what they believe is proper
20 aggravation evidence.

21 And they begin, Your Honor, by referencing

1 1001(b)(4), and then also saying that the drafters
2 contemplated additional aggravating factors for the
3 determination of punishment and they reference 1004.

4 Now RCM 1004 deals obviously with capital
5 cases. And the extent that the Government is looking
6 to RCM 1004, this Court should not entertain RCM 1004
7 when determining what would be appropriate under RCM
8 1001(b)(4).

9 THE COURT: Why?

10 MR. COOMBS: There are three very important
11 distinctions with RCM 1001(b)(4) and RCM 1004. Having
12 taught capital litigation RCM 1004 is dealing directly
13 with the burden, the added burden in order to find a
14 soldier and give a soldier the death penalty.

15 RCM 1004 has within it a burden of proof
16 standard. That burden of proof standard now applies to
17 the Government improving those aggravating factors.
18 RCM 1004 also has a voting requirement.

19 The panel members must vote and
20 specifically finding beyond a reasonable doubt the
21 aggravating factors. Those two indications alone

1 indicate that this is not the type of aggravation
2 evidence that would normally be admissible or should
3 even be considered under 1001(b)(4).

4 THE COURT: Wait a minute. I'm
5 understanding your argument to me, that I shouldn't
6 consider it. Now you are saying I should consider it
7 to find it's not aggravating.

8 MR. COOMBS: No. My argument was that RCM
9 1004 is capital cases. And the aggravating factors
10 listed there are aggravating factors that the drafters
11 have found in order to subject an accused to the death
12 penalty. Here are aggravating factors that the
13 Government can list to have that as a possible
14 punishment.

15 RCM 1004 has a proof beyond a reasonable
16 doubt requirement. Also has a voting requirement. So
17 Defense's position is RCM 1004 should not be considered
18 at all when you're looking at RCM 1001(b)(4).

19 THE COURT: Got it.

20 MR. COOMBS: Now the Government goes on to
21 then reference specific cases. And what I would like

1 to do is go through their cases and show how in each
2 instance their case either does not support the
3 proposition that they reference it for or -- in every
4 case it doesn't support the proposition.

5 We'll start with the first one, again, on
6 the same page, United States v. Barber. 27 MJ 885.

7 United States v. Barber you have an accused
8 who was found guilty of violating a regulation. That
9 regulation was essentially not purchasing items on the
10 black market. And he did so. So he's in Korea and he
11 purchases items on the black market. That's what he is
12 found guilty of.

13 In aggravation the Government brings in the
14 Command Sergeant Major to testify about how the impact
15 on the unit for the black market is problematic, and
16 that's the number one source of crime.

17 What the Government has failed to reference
18 here is on appeal the Court said that that aggravation
19 evidence was improper. So the Government cites it for
20 a position that makes it seem as if that that was
21 proper aggravation evidence.

1 But the Appellate Court actually found that
2 that aggravation evidence failed the MRA 403 analysis
3 and that the military judge should have, in fact,
4 excluded that evidence.

5 Kind of the basis behind why you would
6 exclude that evidence was because the Command Sergeant
7 Major had no knowledge of the particular soldier. He
8 had very limited knowledge of the black market. It was
9 based upon -- his limited knowledge was based upon
10 things he read, basically inferences he was drawing
11 from reporting that he had received, general reporting
12 on the statistics within the unit and within the
13 division of problems on the black market.

14 Very similar to the type of generalized
15 reporting that many of these witnesses have testified
16 to of hearing certain things, hearing certain impact.

17 So obviously that would have been an
18 important thing for the Government to alert the Court
19 to that that actually was failed the 403 standard.

20 The next case, as we go down, still on that
21 same page, United States v. Jones, 44 MJ 103, the

1 Government sites this for the proposition that
2 subjecting the victim to a risk of potential harm was
3 admissible under RCM 1001(b)(4).

4 And again, what they really failed to do is
5 reference the actual facts and why that was determined
6 to be the case.

7 United States v. Jones is an HIV case where
8 the accused tested positive for HIV. And at that point
9 was given an order to warn any future sexual partners
10 of his status of having HIV.

11 He was found guilty of basically failing to
12 warn. And actually it was aggravated assault. And the
13 failure to warn was deemed directly related to the
14 offense of the aggravated assault.

15 And here that is a proper thing under
16 1001(b)(4) because that is the actual direct harm, the
17 failure to warn related to the aggravated assault
18 theory. He assaulted this individual by subjecting
19 that person to the potential of contracting HIV.

20 To correlate that to this case, it would be
21 similar to, if in the Jones case the prosecutor said

1 you know what, she could have contracted HIV, because
2 you failed to warn. And if she contracted HIV, she
3 could have lost her health insurance, because of that.
4 And if she did, she would have had to then use her
5 money to pay for the medications that she needed in
6 order to stay alive.

7 If she had to do that, she would have not
8 been able to pay her mortgage for her house. If she
9 could not pay her mortgage for her house she would lost
10 her home and been homeless. If she was homeless, she
11 could be subjected to possible assault by other people
12 because she doesn't have a place to sleep.

13 That's the never ending chain of events
14 that we see similar in this case, where the direct harm
15 would be what one of the witnesses did testify about
16 were, we immediately looked at the cables to assess
17 whether or not there was some problem, the man-hours
18 required for that potentially.

19 But then all of these far removed, you
20 know, I really feel that they weren't talking to us as
21 much or I really feel that this could have impacted

1 this or the lost opportunity testimony, all this stuff,
2 the far removed stuff, is not directly related.

3 THE COURT: How is that not directly
4 related to the harm the leaks caused?

5 MR. COOMBS: When you go back to what a
6 requirement is under the rule, first of all,
7 speculative at best. But the way CAS has interpreted
8 this, and spelled out best in Hardenson 64 MJ 279, what
9 the phrase of directly related to actually means.

10 It's a function of both what evidence can
11 be considered and how strong a connection the evidence
12 must have to the offenses the accused committed. And
13 in Hardenson CAS said the Court has consistently held
14 that the link between RCM 1001(b)(4) evidence of
15 uncharged misconduct and the crime which the accused
16 has been convicted must be direct as the rule states
17 and closely related in time, type and/or often outcome.

18 THE COURT: (Inaudible)What is it?

19 MR. COOMBS: That's the same type of idea
20 of when you start saying, for example, this leak, we
21 believe the people didn't talk to us as well. And

1 because of that some initiatives that we are trying to
2 do didn't go quite as well as I think it probably could
3 have. I think it would have gone better. If that
4 initiative had gone better, then I think we would have
5 had another opportunity to explore other things.

6 That type of remoteness is directly what
7 Hardenson is talking about directly related to. So the
8 Defense's position is, that's back to the kind of could
9 cause harm which would be proper in merits but in
10 sentencing we are dealing with what actually happened,
11 what was the actual harm. And the Defense's position
12 is, this is not --

13 THE COURT: Let me stop you. Talking could
14 cause harm. Talking about testimony that the witness
15 said, I hear you on the speculative piece, but if the
16 witness has testified I was there, the relationship,
17 how is that a called cause analysis?

18 MR. COOMBS: When a witness testifies, I
19 was there and I believe that this information, you
20 know, caused a degraded relationship. If that's in a
21 vacuum, yes, those are connections.

1 What we did on cross was to show other
2 possible reasons why that would have been the case.
3 And especially -- I don't think anyone would argue this
4 from the Department of State, but in diplomacy there
5 are so many factors that come into play in
6 relationships.

7 And it's very complex, obviously. And so
8 to draw a straight line to one thing and say that's why
9 somebody did something, oftentimes there are many
10 external factors that come into play.

11 And that's what Defense has tried to do on
12 cross, to show the Court that many of the so-called
13 ills of the world that are laid at my client's feet
14 really have, they are a lot of other factors that are
15 influencing that that are unrelated.

16 In some instances it is kind of the go to
17 reasoning when there is another reason for it that's
18 clear, like the person, certain countries look for any
19 reason to do a certain act.

20 And so their decision to do that is totally
21 unrelated to my client's conduct. They might have

1 referenced that in order to give a justification for
2 what they did, but their decision to do that was
3 independent wholly of the conduct. It was conduct they
4 were going to do anyways. So that's Defense's position
5 on that.

6 When you look, Ma'am, at the next case in
7 line for the Government in their motion, United States
8 v. Bauer. That is on Page 4. United States v. Bauer
9 you have a witness testifying about how drug use could
10 lead to selling classified information.

11 And the testimony comes from the witness on
12 rebuttal. So what happens is, the Defense puts up some
13 good soldier witnesses in sentencing and in rebuttal
14 the trial counsel puts up certain witnesses for the
15 exact, to testify about how the drug use, the use of
16 drugs by this analyst, could have impacted national
17 security.

18 What's important here though is -- the
19 testimony comes in with the witness saying, well, I
20 could see how, if somebody is using drugs, they may,
21 may have such a problem with that that in order to pay

1 for the drugs they might turn to selling classified
2 information. Yes, I could see that happening.

3 But the important thing in this case is,
4 the witness then testified, that same witness
5 testified, I did not see that with the accused. I
6 didn't see him with having such a problem that that
7 would be a concern.

8 Secondly, what's important is the trial
9 counsel specifically indicated and stated on the record
10 that no adverse impact to national security occurred.

11 So you have the Government indicating that
12 this potential didn't happen. And we agree it didn't
13 happen.

14 Then the military judge, panel case,
15 instructs the members that you could consider this
16 potential, if any, to cause harm. The use of this
17 information in rebuttal and how it was argued by the
18 Government is not this case.

19 In this case the Government is, in fact,
20 trying to argue damage. And that's why 1001(b)(4) the
21 Defense's position is that it has to qualify, be

1 directly related to or resulting from.

2 Bauer would not be a case that would
3 support the Government's position as a cite in their
4 motion that the instruction for the members to consider
5 potential threat to national security when an accused
6 intelligence analyst is convicted of the various
7 offenses.

8 So, again, with proper context Bauer is
9 really not supportive of the Government's argument.

10 The next case, still on the same page,
11 United States versus Delgatto, a unreported case, 2013
12 Wes Law 3238073. The Government there cites this for
13 the position that concluding that the distribution of
14 unlawful information to countless unknown recipients
15 exacerbated the great nature of the crimes.

16 So arguing that, apparently, that because
17 it went out on the internet and you would have
18 countless unknown recipients, that that was proper
19 aggravating factor.

20 Well, again, if the Court reads Delgatto,
21 the Court will see Delgatto dealt with child porn case.

1 It dealt with a particular individual who victimized a
2 7 year old for a lengthy period of time, made countless
3 videos of that and had, in fact, over 10 terabytes of
4 data.

5 And the facts in the case, the aggravation
6 facts, were the ten terabytes of data. No aggravation
7 about the scope of dissemination. That was not an
8 aggravating factor in 1001(b)(4).

9 When you look to the appellate opinion,
10 when it came to the appropriateness of the sentence, so
11 you had one issue of the aggravation. Then you have
12 the second issue of sentence appropriateness.

13 In the issue dealing with sentence
14 appropriateness, that's where the Appellate Court
15 indicated that the sentence was appropriate and was
16 appropriate given the nature of the accused or the
17 appellant's crimes.

18 And that's where the Appellate Court
19 stated, plus, you know, the fact that he had this
20 information, the scope of dissemination was dealing,
21 was a factor that supported the sentence

1 appropriateness.

2 So this was not an aggravating factor. So
3 to cite this case to support that position is not --

4 THE COURT: Supporting a sentence. Isn't
5 it an aggravating factor?

6 MR. COOMBS: It wasn't an aggravating
7 factor. The Appellate Court could, my understanding,
8 Appellate Court's fact finding powers, obviously they
9 don't do a debate in fact finding, this seems to be,
10 especially when you read the case, and the fact that
11 was not 1001(b)(4) issue, it was not an issue that was
12 admitted in evidence as aggravation.

13 What it was, was an Appellate Court dicta
14 just saying for sentence appropriateness, when we look
15 at what this individual did, the fact he had 10
16 terabytes of information and the fact that this
17 information was out on the internet, we think that that
18 was an appropriate sentence.

19 So it wasn't the Court approving of a
20 aggravating factor that was admitted during the case in
21 chief.

1 THE COURT: How was the evidence of the 10
2 terabytes of data before the Court? Did it come on a
3 guilty plea? Was it a contested case? Merits.

4 MR. COOMBS: It came in on the sentencing,
5 10 terabytes. And actually direct is where they talk
6 about it.

7 THE COURT: I see it.

8 MR. COOMBS: So they listed just that fact,
9 that the large number of electronic media containing 10
10 terabytes. And the Military Judge actually limited
11 significantly what was coming in to just the volume of
12 the information.

13 So the actual giving that factor that the
14 Court states in dicta for sentence appropriateness was
15 not an aggravating factor that was admitted in
16 evidence.

17 The last case that the Government cites
18 supporting this position is United States v Lawson.
19 Lawson is on Page 5, Ma'am. 33 MJ 946.

20 And in Lawson you have actually a very
21 disturbing set of facts. You have an individual in

1 charge of a detail, officer in charge of a detail
2 Marine detail, and they are going on a training mission
3 in 29 Palms. And his job is to do accountability
4 roster to ensure, when he post guards at various
5 places, that they know where the people are at and then
6 they police them up when the unit's training mission is
7 completed.

8 This individual was derelict in his duties
9 because he did not do an accountability roster. He did
10 not put out any sort of guidance on accounting for the
11 individuals that were placed out into the desert to
12 basically monitor where people are going for the
13 training mission.

14 One of the Marines was not picked up. And
15 it was discovered a day and a half later that that
16 individual was missing. And that was directly related
17 to the dereliction of this individual's failure to do
18 what he was supposed to do.

19 The Marine sadly was found approximately
20 five months later. He had died in the desert. And in
21 that case the Government offered in aggravation both

1 the death of the individual and the cost that was
2 related to their recovery mission.

3 Once the battalion commander became aware
4 of the fact that he had a marine that was missing a day
5 and a half later, he ordered a very extensive search
6 for that marine. Obviously they did not find him.

7 The important thing here is, again, this is
8 evidence that was directly related to the offense that
9 the accused was found guilty of, the dereliction. The
10 dereliction of not having an accountability roster.

11 There the Court found that it was
12 imminently foreseeable by not having the accountability
13 roster, and you're in a desert environment, that you
14 would lose somebody. And if you lost somebody, that
15 person could die in the desert.

16 So these were factors that the Court said
17 were, in fact, directly related to and resulting from.
18 Again, taking it to this case. There are certainly
19 aggravating factors that the Government, if they have
20 the evidence of it, could bring forth. That would be
21 directly related to the offenses that Pfc Manning

1 committed.

2 THE COURT: So what is the difference
3 between that and, well, is it Defense's argument it's
4 not foreseeable that with a release of classified
5 information that that may cause some of the damage that
6 the witnesses testified about?

7 MR. COOMBS: Depends on what they are
8 testifying to. To use a hypothetical, if an ambassador
9 said, because of this I had to pull aside, you know,
10 five people to read through these cables to identify,
11 these purported cables, to identify potential harm.
12 That would be directly related to.

13 To contrast with the Lawson case, if the
14 battalion commander afterwards said, we are going to
15 get together a whole group of people and we are going
16 to design various SOPs on how we are going to do
17 training missions, and we are going to revamp this
18 entire training mission.

19 And instead of doing it out in the desert,
20 we are going to do it here. And we are going do it
21 cost -- get my entire battalion S3 to get together and

1 plan alternative type missions. All that other stuff,
2 that's the stuff that's not directly related to
3 resulting from. You have an independent person making
4 a determination to make all these changes.

5 But certainly the initial cost of going to
6 search for that person would be directly related to and
7 resulting from. In our case here the initial response
8 or any type of actual harm that a witness can say this
9 is what happened.

10 Yesterday's witness, second part of the
11 day, very informative witness, but if he testified to
12 just the actual harm, that testimony would have taken
13 10 minutes instead of the hours that it took to testify
14 to. Because they were specific, in fact, six different
15 specific things that he testified to that were, at
16 least in his opinion, be the harm that was done, the
17 actual harm.

18 That would be an example of, for the
19 witness later today and the witnesses next week, what's
20 the actual harm, just testify to the actual harm. What
21 harm do you know of that's directly related to this,

1 not the could, not the speculative. That would have
2 been appropriate in merits. But in sentencing we are
3 dealing with what is the actual harm.

4 There's been three years to think about
5 that. And the Government has time to think about that
6 to where these witnesses should be able to just state
7 what the actual harm is.

8 THE COURT: Mr. Coombs, at the end of the
9 day in simple terms this is really where is line.

10 MR. COOMBS: It is. When you look at
11 1001(b)(4), case law that we cited, that's where the
12 Court will make that determination of what is directly
13 related to or resulting from.

14 And the never ending chain of events,
15 there's a certain, I guess, number of steps before you
16 say that's too far removed.

17 I gave you two examples in my motion of,
18 you know, one good example where vandalism of a
19 building. Certainly, if somebody vandalized the side
20 of a building, the cost of repainting that portion is
21 directly related to resulting from.

1 But when that owner says, you know what,
2 I'm going to spend \$10,000 looking into and researching
3 paint that would be resistant to graffiti that's the
4 independent decision then of the owner to expend those
5 resources. And that wouldn't be directly related to
6 resulting from.

7 So there is a line certainly of what should
8 be correctly put at the feet of my client. And the
9 Defense is not trying to avoid that line, as far as
10 what we believe is on 1001(b)(4) side of the house.
11 And that's what we cross examined on.

12 But as the Court listens to individuals
13 testify, especially when it goes on and on hour after
14 hour, and much of it is more a historical lesson about
15 the complexity of the relationships as opposed to
16 actual -- this is what happened.

17 And again, you know --

18 THE COURT: Don't you need the context.
19 You just said earlier that diplomacy is a complicated
20 endeavor.

21 MR. COOMBS: It is. What I would see,

1 again, I'm not trying to tell the Government how to
2 elicit this information. If the witness said, you
3 know, X-Y-Z was damage, from my perspective that was
4 the damage.

5 And then at that point, in order, once you
6 heard that, if you needed to get some more background
7 to understand, okay, why was that damage. Then I think
8 that would be appropriate to put that into context,
9 certainly.

10 But that's not what we have heard. What we
11 have heard is a whole bunch of background information
12 to a could, and very, very limited actual this is what
13 I believe was the direct impact of that.

14 And obviously the Court understands
15 1001(b)(4) and the line and will only listen to what is
16 proper aggravation. And the Defense's position is, we
17 can get to that point much quicker, and there's a lot
18 of stuff that isn't proper and is back into the could
19 realm.

20 THE COURT: What's the difference between
21 the expenditures here in Lawson to go find a soldier

1 and the creation and expenditure of the various task
2 forces that (inaudible). We don't know what the damage
3 is. We have got to find it.

4 MR. COOMBS: So, for example, using the
5 (inaudible). The amount of money that was spent for
6 that, there were several goals, Appellate 631, from
7 Secretary of Defense Gates to lay it out. And
8 certainly there would be the ability to portion that to
9 say, you know what, this was the amount of time that we
10 spent and money that we spent understanding the harm,
11 the actual harm and this was what the actual harm was.

12 I believe that would be something that
13 would fall in an appropriate 1001(b)(4). And, again,
14 the Defense is not trying to avoid accepting
15 responsibility for the harm caused.

16 But that takes then, you know, a scapel to
17 say, okay, this was really what we spent on figuring
18 out the harm and here's the harm that we found. Five
19 things. Whatever it is.

20 Then everything on this side of the house,
21 let's look, let's figure how we are going to do this in

1 the future, avoid doing this; was there any sort of
2 embarrassment that we need to do an apology on or
3 whatnot, anything that is somebody's independent
4 determination of how we are going to fix this or
5 address this in the future, that's on the mitigation
6 side of the house. That's an independent determination
7 of the individual.

8 THE COURT: So is it the Defense's position
9 that mitigation evidence is not admissible under RCM
10 1001(b)(4).

11 MR. COOMBS: When you say mitigation --

12 THE COURT: Mitigate efforts to mitigate
13 damage.

14 MR. COOMBS: Okay. I guess then that draws
15 the line of where do you say this is a proper
16 1001(b)(4) and where not. Again, using the paint
17 example, you know, somebody mitigates the damage they
18 are going to invest in very expensive paint to paint
19 their building to prevent graffiti again. That would
20 be the independent determination of the individual to
21 invest those resources to prevent something from the

1 future happening again. And the Defense would say
2 that's not proper under 1001(b)(4).

3 THE COURT: Prevent something in the future
4 from happening again.

5 MR. COOMBS: Exactly. If it's the,
6 addressing what harm -- what immediate harm to we need
7 to be concerned about. And ferreting that out, and if
8 they could then -- obviously that would show what was
9 the actual harm.

10 So, again, using a hypothetical, if they
11 could say, okay, because of this SigAct this individual
12 right here we know is in imminent threat of death or
13 bodily injury and we went and expended, you know, \$500
14 to pull this person out, or a thousand, then I think
15 you would have the direct tie and then you could show
16 that and that would be 1001(b)(4).

17 THE COURT: Let's go beyond that. By
18 pulling this person out, United States Government no
19 longer had access to X-Y-Z that he would have had with
20 that person. Does that fall under 1001(b)(4).

21 MR. COOMBS: Yes. So we are going to start

1 that domino effect and see how far we go. If they
2 could show, certainly that this person was a vital
3 source of X-Y-Z information and, because we had to pull
4 him, it blew a mole that we had in a particular
5 organization. I think Defense would concede that would
6 be proper aggravation, if you could talk about that
7 fact.

8 I think then the domino effect that you
9 have to avoid is, when you start getting to, well, he
10 was working on something that we were going to start in
11 2013, that I think is the stuff that would not be
12 proper, Ma'am.

13 So subject to your questions, Ma'am.

14 THE COURT: Is that the end of the cases?

15 MR. COOMBS: It is, Ma'am, from the
16 standpoint of what the Government cited. They cited
17 other cases that we don't take issue with. General
18 proposition cases. These were the ones they cited to
19 support their argument.

20 THE COURT: Give me one moment here.

21 MR. COOMBS: Yes, Ma'am.

1 (Pause)

2 THE COURT: Thank you, very much.

3 Government, hold on just a second.

4 All right. Government.

5 MR. FEIN: Ma'am, if I may brief from the
6 table.

7 THE COURT: Sure.

8 MR. FEIN: Ultimately, Your Honor, the
9 issue is drawing the line. United States agrees that
10 subsequent review of measures are not appropriate
11 aggravation evidence.

12 One of the problems though that developed
13 through discovery and played out even today is the term
14 mitigation. Just to make sure all parties, ultimately
15 the Court is on the same sheet, the United States is
16 arguing that the steps that were taken to mitigate the
17 harm to national security directly resulting from Pfc
18 Manning's charge of misconduct is appropriate
19 sentencing evidence.

20 The problem (inaudible) also comes up
21 specifically within the Department of State

1 information. And it is because there was what they
2 called the mitigation working group mitigation team.
3 That information, Your Honor, United States contends is
4 not appropriate. Although they use the term
5 mitigation, it was to mitigate future similar crimes.

6 THE COURT: So the witness is going to
7 testify this afternoon is not going to testify about
8 mitigation teams.

9 MR. FEIN: That is correct.

10 THE COURT: The Government is -- other than
11 the task force testimony that we heard about on the
12 first day of sentencing, is there going to be any other
13 mitigation team testimony.

14 MR. FEIN: There still might be some
15 constitution. United States contends that the evidence
16 elicited on Wednesday from General Carr and mr.
17 Kirchhofer was focused on the DoD's mitigating of harm,
18 not mitigation team of the Department of State.

19 THE COURT: I understand that.

20 MR. FEIN: Okay. I'm sorry, Ma'am. So,
21 Your Honor, there will be additional evidence the

1 United States intends to elicit from witnesses about
2 the United States effort to mitigate harm caused by Pfc
3 Manning's actions. It will be included this afternoon.
4 Also be pretty much --

5 THE COURT: I understand that. Do you have
6 any organizations that were created, like the --

7 MR. FEIN: Only two organizations
8 ultimately, Ma'am, DoD's IRTF and they were two working
9 groups at the Department of State. The Court will hear
10 testimony from Ambassador Kozak today, person at risk
11 working group, which was a team established and still
12 currently being run to mitigate the risk of individuals
13 from the Department of State released purported cables.

14 That's the focus of his testimony. What
15 the Department did to mitigate the harm to individuals.
16 On Monday, Your Honor, we will elicit testimony from
17 Ambassador, Undersecretary Kennedy in reference to the
18 work, the WikiLeaks working group and what the
19 Department did similar to the IRTF for the DoD, but
20 it's the Department of State's immediate reaction.

21 THE COURT: What's the Government's

1 position with respect to the Defense's argument that,
2 again, looking at the last appellate exhibit we had,
3 Secretary Gate's memo about whether the IRTF had
4 portions of its mission to mitigate damage and then
5 other pieces of it were more forward looking. I
6 believe that was in your argument.

7 MR. COOMBS: Yes, your Honor.

8 MR. FEIN: One moment, Ma'am. United
9 States would contend this memo on its face actually
10 draws that line. The IRTF's mission was laid out into
11 8 bullets of what the reported focus was, and the Court
12 heard from General Carr and Mr. Kirchhofer, who
13 painfully tried to remember all these. In retrospect
14 we should have helped fresh the recollection.

15 These are those areas, Ma'am, that was
16 simply to use Secretary Gate's words, it was to review
17 the impact of the unauthorized disclosure of classified
18 information specified above. And that's anything
19 published on WikiLeaks website.

20 Further on, Your Honor, the second to last
21 paragraph there's a line drawn even by Secretary Gates

1 that says, their role IRTF is separate and apart from
2 the tasking to the Undersecretary of Defense to look at
3 procedures that were, that needed to be shored up and
4 fixed. That was a separate tasking, separate system
5 and the United States, although produced in discovery,
6 doesn't intend and we don't think that's an appropriate
7 sentencing evidence.

8 That would be the same as the term of art
9 mitigation team at Department of State and any other
10 efforts the United States Government took subsequently
11 to prevent the future crime like this from happening.
12 It's also separate and apart from any law enforcement
13 investigation, which is the last paragraph.

14 THE COURT: Does the IRTF report address
15 any information on the WikiLeaks website that does not
16 relate to, and if I'm asking something that requires a
17 response that can't be made in this setting, let me
18 know, relate to the offenses Pfc Manning has been
19 convicted of?

20 MR. FEIN: No, Ma'am. Although Pfc Manning
21 is not identified in the report by name, it all relates

1 to all the specifications on the charge sheet. And the
2 specification he was found not guilty of.

3 However, Ma'am, the Department of State
4 damage assessment does have an appendix that the United
5 States doesn't intend to use in any regard. That does
6 have the draft impact assessment has mitigation efforts
7 captured as lessons learned in back of that assessment.

8 THE COURT: Okay. I believe the Defense
9 has asked me to take judicial notice of all those
10 assessments. Is that correct?

11 MR. COOMBS: That is correct.

12 THE COURT: You want that appendix removed?

13 MR. COOMBS: We ask you to take judicial
14 notice and we will kind of see how everything flushes
15 out here.

16 THE COURT: Okay.

17 MR. FEIN: Ma'am, without going through all
18 the cases, again, it's in the brief. Two just to
19 highlight, Delgatto, the last two, the Delgatto case,
20 the child porn distribution case. It was 10 terabytes.
21 Specifically in the holding, Your Honor, the Court does

1 talk about that, the exacerbated the great nature of
2 those crimes by recording the assaults and other sexual
3 acts and distributing them. They appeared here
4 networks, countless unknown recipients.

5 THE COURT: Where am I looking at that?

6 MR. FEIN: On the Page 3, last page above
7 the conclusion of the Court. Last paragraph.

8 THE COURT: That is in the sentence
9 appropriateness discussion.

10 What is the Government's position with
11 respect to my question to the Defense, Appellate Court
12 consider it for sentence appropriateness -- is that
13 sort of an implicit assumption it is proper
14 aggravation?

15 MR. FEIN: Yes, Ma'am. Mitigation or
16 extenuation.

17 THE COURT: 10 terabytes is mitigating?

18 MR. FEIN: No, ma'am. Anything the
19 Appellate Court -- no, not at all. Any factors the
20 Appellate Court is considering in sentence
21 appropriateness is appropriate for a trial court or the

1 trier of fact for sentencing case to consider.

2 THE COURT: Was it an issue whether that 10
3 terabytes and dissemination was proper -- A, was it
4 admissible as aggravating evidence or something else,
5 and B, was it an aggravation at issue at all in that
6 case?

7 MR. FEIN: Your Honor, after this argument
8 we would reread the entire case. I don't recollect.

9 THE COURT: I can read it too.

10 MR. FEIN: Distribution was sentence
11 appropriateness was considered. Also, Your Honor, for
12 Lawson, United States would argue that Lawson is, not
13 the exact facts of this case, Lawson was required to
14 maintain an accountability roster. He failed in that
15 duty for an accountability roster.

16 A soldier went unaccounted for, a marine,
17 excuse me, and the command expended resources to find
18 the unaccounted soldier. Similar in this case is
19 classified information could cause harm and legal
20 definition of classified information and we are simply
21 seeing the expenditures of the Government to determine

1 whether harm did or did not or mitigate that harm
2 directly ties to the charged and guilty.

3 THE COURT: What is the Government's
4 position with respect to the Defense argument that I
5 shouldn't consider 1004 at all?

6 MR. FEIN: Yes, Ma'am. Ultimately 1001
7 sets out the definition of aggravating, what is
8 relevant for both parties in order to present evidence
9 to the Trier of Fact.

10 And in that, Your Honor, under 1001(b)(4)
11 evidence of aggravation and aggravation defined right
12 at the discussion after that, Your Honor, says see also
13 RCM 1004 concerning aggravating circumstances in
14 capital cases.

15 This isn't a capital case. 1001(b)(4) does
16 establish the overall umbrella what is or is not
17 aggravating and it leaves open to much evidence -- 1004
18 does, in a very specific type of case with a higher
19 burden of proof, it establishes I think 9 or 13
20 different aggravating factors that have to be
21 considered.

1 Well, at least if it's going to be a
2 capital case. One of them has to be alleged and
3 ultimately found guilty through a vote, as the Defense
4 stated.

5 What that does, it creates the overall
6 universe what is aggravating. And 1004 defines
7 specific types of aggravation for capital cases. One
8 is included in the other, Your Honor.

9 What is clear, at least to United States,
10 drafters have always considered impact to national
11 security, three different ways, the first three factors
12 to be specific types of aggravation evidence that
13 warrant capital offenses.

14 So it's a subset of all types of
15 aggravation and it's a subset that specifically
16 enumerated for the record capital offenses. So if not
17 a capital case, which is clearly the case today, it
18 doesn't mean it's not an appropriate aggravating
19 factor. Just like all the others listed as well for
20 different types of offenses.

21 THE COURT: Okay.

1 MR. FEIN: Subject to your further
2 questions, Your Honor.

3 THE COURT: Where does the Government
4 believe the line is? We have had testimony this
5 caused, these are the immediate things that occurred,
6 because these we think there may be sort of be a ripple
7 effect. Is that ripple effect included in appropriate
8 aggravation evidence in this case?

9 MR. FEIN: Your Honor, the Government
10 believes the line should be the natural probable
11 consequences going back to the probable consequences.
12 And if there is a independent intervening event that
13 occurred, and it was the only thing, that intervening
14 act was the only thing that brought about the effect,
15 it's not permissible. If there's an intervening act
16 that also brought about, then it's still appropriate.

17 Ultimately, Your Honor --

18 THE COURT: What's the Government's
19 position on the release of Cable X caused a degradation
20 in relationship with Country Y and that metastasized
21 into additional things being affected where all this

1 was.

2 MR. FEIN: No, Ma'am. This came up with
3 the Defense's -- the issue of opportunity was an
4 example that the Defense briefed. So I think a line
5 could be drawn (inaudible). What another country could
6 or could not have done based of that would be
7 definitely two parts (inaudible) and not a natural
8 probable consequence of another country.

9 The opportunity cost lost by U.S. official
10 that had to, instead of doing what they were supposed
11 to be doing, had to directly deal with the outcome of
12 the unlawful disclosures.

13 There's an opportunity cost on the United
14 States Government which impacts the United States
15 national security, in the form of diplomacy or military
16 operations, foreign relations.

17 There is a direct tie to impacting the
18 national security of the United States. It would
19 become too far afield once, if there's evidence of
20 third, fourth, fifth order effects. United States
21 contends that did not happen thus far in this court

1 martial, at least in the presentation of evidence.

2 Each individual -- there were times that
3 either objections were raised and sustained, but
4 outside of that, Your Honor, where the Defense objected
5 under the ongoing objection of 1001(b)(4) each of those
6 witnesses could directly tie in their expert opinion,
7 their opinion, which was subject to cross and goes to
8 weight, tied the WikiLeaks disclosures to that. If
9 they can't tie that, Your Honor, it's not appropriate
10 sentencing evidence.

11 THE COURT: Let's assume after the
12 Department of State witnesses, is the Government going
13 to present evidence that the DoD potentially that these
14 disclosures created certain vulnerabilities for U.S.
15 forces?

16 MR. FEIN: Can I have a moment, Your Honor.
17 I'm looking at Appellate 616, the Government's witness
18 list.

19 United States intends to elicit DoD
20 witnesses are personal observations and effects on
21 individuals, the individuals who actually are

1 testifying, their missions.

2 THE COURT: Are you talking preventative
3 measures or things that actually happened as a result?

4 MR. FEIN: This would be testimony that
5 because of the WikiLeaks disclosures this happened. I
6 observed it or I felt it.

7 THE COURT: So is there going to be
8 testimony, for example, sort of like what was coming
9 out on the merits -- well, because these things are
10 exposed, forces opposing us could do X-Y-Z?

11 MR. FEIN: Ma'am, the United States does
12 intend to elicit, for instance, through the terrorism
13 experts, in their expert opinion, whether they believe
14 that this information being available, what terrorists
15 and other enemies of the United States will use that
16 information for in their opinion. That opinion, of
17 course, will be subject to cross and could be tested
18 for the Trier of Fact.

19 THE COURT: Is there any evidence that this
20 was, in fact, used?

21 MR. FEIN: The types of evidence I can't

1 discuss where and how it was used.

2 THE COURT: Is it an expert opinion of what
3 could happen or an expert opinion of is happening or
4 has happened?

5 MR. FEIN: The united States intends to
6 elicit both, Ma'am. One is for -- the opinion is, it's
7 really not opinion, fact testimony of what they know
8 based off their expertise.

9 It is opinion testimony, what they know in
10 their expertise has happened and based off that
11 expertise what is the future effect of that.

12 Of course, they will be subject to cross
13 examination of whether they will or won't actually
14 happen. Maybe they will likely answer, I don't know if
15 it actually will. I do believe based off these factors
16 this is something that will be used in perpetuity or to
17 a certain point and here's where and how it could or
18 could not.

19 That's going to be the adversarial process
20 that's sifting out that testimony. Does intend to have
21 some experts testify about their opinions on the

1 continuing future impact of this information.

2 Also operations for strategic planning of
3 CentCom, there's two witnesses, one about operations,
4 more about what did happen. Another one --

5 THE COURT: More about what did happen?

6 MR. FEIN: From CentCom. What did CentCom
7 have to do?

8 THE COURT: I thought you meant the
9 testimony in large part was going to be --

10 MR. FEIN: No, ma'am. The actual chief
11 operations officer CentCom, strategic planner of
12 CentCom talking about how the plan worked and how in
13 his opinion future plans could be affected, in his
14 opinion, will be affected, not could be.

15 THE COURT: There's a distinction there.
16 Is it will be or could be?

17 MR. FEIN: It's their opinion it will
18 happen. They, of course, don't know it will happen in
19 the future. It's their opinion that it will.

20 THE COURT: Why is that not speculative?

21 MR. FEIN: These people are experts in

1 their field. Based off of the information, their
2 expertise and their knowledge of the actual information
3 compromised of what, within each of their fields. For
4 terrorism, being an expert on what terrorists do and
5 don't do, their giving that opinion, Your Honor. For
6 the operations, they are experts in that field of how
7 strategic planning occurs and how it has occurred at
8 the time and how that has now or would be in the future
9 upset.

10 THE COURT: What's the difference between
11 what you just described to me and what you said
12 earlier, that subsequent remedial measures are not
13 admissible?

14 MR. FEIN: What I just described now each
15 of the witnesses will testify a direct result, their
16 opinions are based off the direct result of Private
17 First Class Manning has been found guilty of, the
18 leaked information and specific information forming the
19 basis of their opinion.

20 The subsequent remedial measures would be
21 what processes and procedures have the different

1 organizations within United States Government put in
2 place, starting with an executive order down to each
3 department in order to prevent the future crime,
4 similar crimes from happening.

5 So, for instance, having certain
6 restrictions now on SIPRnet, the money extended for
7 that, the energy expended, the resource, all that, Your
8 Honor is not proper aggravation evidence.

9 United States contends there's a big line
10 drawn there that this is what the Department of
11 Defense, Department of State, U.S. Government did to
12 prevent this in the future.

13 That's different than to mitigate future
14 harm caused directly by this. It's to prevent the next
15 Pfc Manning from occurring. That is not permissible or
16 should not permissible aggravation.

17 THE COURT: Does the Government agree that
18 any re-triggering or remembering of any Pfc Manning's
19 misconduct because of events that have occurred
20 recently -- Mr. Snowden -- is not permissible
21 aggravation?

1 MR. FEIN: United states agrees any
2 evidence regarding Mr. Snowden is not permissible
3 aggravation.

4 THE COURT: That's not what I asked. The
5 Re-triggering, I guess, the remembering and the
6 re-significance of --

7 MR. FEIN: Ma'am, I think, first, regards
8 to Mr. Snowden or anyone else, if an expert's opinion
9 is that this information, although based off
10 relationships between countries or individuals, is
11 currently subsided. But any type of future event could
12 bring that forward, depending on how that evidence is
13 elicited, it could be or could not be, depending if it
14 (inaudible)

15 THE COURT: Hypothetical. All right. We
16 have relationships deteriorated with Country X
17 immediately after WikiLeaks disclosed, Pfc Manning.
18 They stabilized. Now we have second disclosures that
19 now the country is all upset because in combining both
20 of what happened before and now we now have another
21 deterioration.

1 Do you think that would be admissible?

2 MR. FEIN: No, Ma'am.

3 THE COURT: All right. Thank you.

4 MR. COOMBS: Your Honor. Just to address a
5 couple of things that Major Fein talked about.
6 Mr. Kozak, when he talks about the persons at risk
7 working group later today, Defense's position would
8 be -- first of all, this kind of goes back to Brigadier
9 General Carr, these individuals weren't true human
10 sources. There was a created duty, a kind of moral
11 obligation we felt because their names were there, we
12 needed to identify them and make sure no harm would
13 befall them.

14 Defense would say that by reaching out and
15 identifying those individuals -- and let's say you
16 identified 100. Identifying them, and if you could
17 show actual harm, like the person was arrested or
18 something bad happened to them, it's clearly related to
19 their name being in one of these documents, that would
20 be proper aggravation.

21 What happens though is, you have a person

1 who is probably going to testify, we have been tracking
2 these people and we are watching them over years and
3 years and years now, last three years, and we think
4 there's potential at some point in the future.

5 That's where we get into the speculative
6 part. Defense would agree that, if you identified
7 somebody, and you identified natural harm, then that
8 would be proper aggravation. And if you could, you
9 could bring that person, that would be the ideal person
10 in testify to. If not, the person who is tracking it
11 and says, I know this happened, then that would be
12 proper aggravation.

13 What wouldn't be proper is this kind of
14 never ending series of potential events in the future
15 that may, in fact, happen at some point, but we don't
16 know yet. And based on my expertise I think maybe that
17 could happen.

18 That is not the proper aggravation. That
19 hasn't happened. We are in a somewhat unique
20 situation, as opposed to a lot of cases, in that you
21 had quite a bit of time go by. And you would think at

1 this point now the actual harm has come settled down to
2 where you could identify it and say, this is what
3 happened, to where you kind of avoid the situation as
4 the Court posed in a question, something else
5 triggering remembering all the events and then, you
6 know, another potential harm that's unrelated to this
7 case.

8 So for Ambassador Kozak we would argue that
9 he should be limited to saying, identified X amount of
10 people. This is what we did to notify them or ensure
11 that something didn't happen to them. And then here
12 are the 15 people say where we know something bad
13 happened to them, directly related to this. That's
14 proper aggravation.

15 If he then testifies, you know, I have been
16 tracking these people, (inaudible) I keep tabs on them,
17 I just want to make sure everything is okay. I still
18 think there's potential for this person, that stuff
19 would not be proper aggravation in the Defense's
20 argument.

21 THE COURT: The fact they are still

1 tracking them, why would that not be proper
2 aggravation?

3 MR. COOMBS: I think the testimony is going
4 to be the individuals kind of took it upon themselves
5 to do this. It's not part of the Department of State
6 doing it.

7 Let's assume even if it were part of the
8 Department of State, we are just keeping tabs on these
9 individuals. That I don't think -- maybe the process
10 of we are doing this might be proper aggravation, and
11 we are only doing it because of this.

12 But the speculative nature of what could
13 happen in the future, that's not be proper aggravation.
14 This kind of goes back to some of the DoD witnesses or
15 the experts that talk about terrorism.

16 Again, as the Court asked, well, do you
17 have any evidence that the enemy has used it and that
18 information in a particular way or fashion? That would
19 be proper aggravation where we know the enemy took this
20 information and this is exactly what the enemy did with
21 it. Proper aggravation.

1 To say now three years later there's still
2 potential in the future, in my expert opinion in the
3 future this could happen. This kind of goes back to
4 when we said these witnesses really don't need to be
5 expert witnesses, they should be fact witnesses. And
6 as Major Fein said, some of the witnesses are going to
7 testify about things that they personally saw as the
8 impact. That's a fact witness. That's all they need
9 to be qualified as, is a fact witness to say this is
10 what I know happened.

11 The reason why, in the Defense's view, the
12 Government is trying to qualify them as expert is to
13 get this hearsay stuff, 703 stuff smuggled in with my
14 expert opinion of what could happen in the future. And
15 Defense said in our opinion that is improper. That's
16 not proper 1001(b)(4) evidence.

17 So, again, we are not trying to shirk
18 responsibility for any actual harm that's befallen due
19 to my client's conduct. We are willing to accept that;
20 willing to deal with that. What the Defense isn't
21 willing to accept of speculative future could cause

1 damage type stuff.

2 THE COURT: In the witness this afternoon
3 is the Government intending on eliciting any of this
4 even though it hasn't happened yet, we think things
5 could happen?

6 MR. FEIN: Ma'am, Ambassador Kozak, first
7 off, is an official state function, head of the entire
8 function.

9 Yes, Your Honor, the United States intends
10 to elicit what the Department of State did and what
11 they continue to do even today with tracking
12 individuals that were identified as risk. Some
13 individuals at the time decided they did not need
14 assistance.

15 And the Court will hear testimony that even
16 some of those individuals that originally thought it,
17 things changed and then they did need assistance. And
18 it is all directly related to Pfc Manning's misconduct.

19 THE COURT: That's not the question I
20 asked. The question I asked, is there going to be
21 testimony about, we are tracking 100 people. Something

1 happened to 15 of them. Here's what it is. Nothing
2 has happened to these other 10, but we think it's a
3 possibility in the future something might happen.

4 MR. FEIN: Yes, Ma'am. And for the reason
5 the foundation will show, the reason they keep tracking
6 individuals is because of different circumstances that
7 there are reasons why certain people didn't have things
8 happen to them.

9 Everyone is a unique circumstance. So the
10 Department of State continues to follow them and offers
11 continued assistance, if and when a trigger is pulled.
12 Everyone is in a different circumstance. You can't
13 just go find all these people worldwide and grab them
14 and help them.

15 That's what he's going to explain that
16 whole process, Your Honor. That is essentially a third
17 of his testimony, explain the process department goes
18 through in order to come to these conclusions.

19 But, again, directly tied to the accused's
20 misconduct.

21 If I may, one other aspect. They want to

1 be able to argue that Pfc Manning's charge and his
2 conduct only caused or didn't cause certain amount of
3 harm. But when experts say in their expert opinion it
4 will cause future harm, that we should be precluded
5 from that. Yet they want to argue nothing happened,
6 nothing will happen. On one hand they want to be able
7 to prevent the Government from presenting that evidence
8 through expert testimony, but then still be able to
9 argue there was no real effect.

10 Well, the Government is offering evidence
11 to show there was a real effect and there will continue
12 to be a real effect. That's through proper expert
13 testimony.

14 THE COURT: All right. Well, the Court has
15 reserved to rule on this motion ruling Monday to digest
16 the information that was presented to the Court this
17 morning.

18 We will proceed with the witnesses this
19 afternoon the same way we have with the witnesses in
20 the last two days. I think the Court, again, I'm
21 acting in two capacities here, acting in an

1 interlocutory capacity of hearing the evidence to
2 decide whether it's permissible aggravation evidence,
3 Article 39A session, and then, if I decide it's not, I
4 will completely disregard it.

5 Now looking at the time, it's quarter to
6 12:00. Anything we need to address before we recess
7 the Court?

8 MR. FEIN: May the parties have a moment.

9 THE COURT: Yes, please.

10 (Pause)

11 THE COURT: 1330 it is. Court is recessed
12 until 1330.

13 (Court recessed at 11:45 a.m.)

14

15

16

17

18

19

20

21

\$			
\$10,000 (1) 71:2	42:2;50:3,10;55:5,16; 58:11;65:13;69:8,12,17,20, 20;70:3,7;71:16;72:12; 73:11,11;75:9;92:10;93:2; 96:17;98:1;100:18	51:2,17,21;52:7,9,10,12; 62:19;63:8;64:2,5,6,20; 65:15;67:19;84:4;85:7,13, 17,20;86:6,18	apology (1) 74:2
\$500 (1) 75:13	actually (17) 28:6;41:19;50:3,10;54:1, 19;55:12;57:9;58:10;65:5, 10,20;80:9;89:21;90:3; 91:13,15	aggravation (38) 50:20;52:1;53:13,18,21; 54:2;63:5,6,11;64:12; 66:21;72:16;76:6;77:11; 83:14;84:5;85:11,11;86:7, 12,15;87:8;94:8,16,21;95:3; 96:20;97:8,12,18;98:14,19; 99:2,10,13,19,21;104:2	apparently (1) 62:16
A			appeal (1) 53:18
ability (2) 50:15;73:8	added (3) 5:14;39:21;51:13		appeared (1) 83:3
able (6) 37:11;56:8;70:6;103:1,6, 8	additional (3) 51:2;78:21;87:21	ago (1) 48:20	appears (1) 48:5
above (2) 80:18;83:6	address (9) 13:5,7,18,18;15:21;74:5; 81:14;96:4;104:6	agree (3) 61:12;94:17;97:6	appellant's (1) 63:17
absent (1) 5:6	addressed (2) 13:10;39:4	agreement (3) 33:12,14;34:16	appellate (18) 5:14,16;49:2,6,11;54:1; 63:9,14,18;64:7,8,13;73:6; 80:2;83:11,19,20;89:17
accent (1) 33:13	addressee (1) 21:15	agrees (2) 77:9;95:1	appendix (2) 82:4,12
accept (2) 100:19,21	addressing (1) 75:6	ahead (4) 19:5;20:10,14;33:18	applications (1) 10:15
acceptable (2) 6:9;8:1	administration (1) 11:13	airmen (1) 30:10	applies (1) 51:16
accepting (1) 73:14	administrative (1) 8:17	alert (1) 54:18	approach (1) 14:12
access (50) 15:6,12;16:5,8;17:10; 19:9,10,11;21:1,5,10;22:13; 23:7,8,18;24:3,13,19;27:13, 19;29:5,6,11,12,15,16,18; 30:8,11,16,18,20;31:3,6,6,8, 10,12,19;32:4,7,8;42:21; 43:18;44:1,45:15,19;46:4; 47:11;75:19	admissible (6) 52:2;55:3;74:9;84:4; 93:13;96:1	alive (1) 56:6	appropriate (17) 49:17;51:7;63:15,16; 64:18;70:2;72:8;73:13; 77:10,18;78:4;81:6;83:21; 86:18;87:7,16;89:9
accessed (4) 12:17;26:7,9,10	admitted (3) 64:12,20;65:15	alleged (1) 86:2	appropriately (1) 23:4
according (1) 39:5	advance (1) 50:6	allow (1) 23:6	appropriateness (10) 63:10,12,14;64:1,14; 65:14;83:9,12,21;84:11
account (1) 5:3	adversarial (1) 91:19	allowed (2) 24:2;47:11	approval (1) 34:16
accountability (6) 66:3,9;67:10,12;84:14,15	adverse (1) 61:10	alone (1) 51:21	approver (2) 14:14;28:17
accounting (1) 66:10	advertised (1) 43:1	alternative (1) 69:1	approving (1) 64:19
accused (10) 48:1;52:11;53:7;55:8; 57:12,15;61:5;62:5;63:16; 67:9	affected (3) 87:21;92:13,14	although (5) 5:11;78:4;81:5,20;95:9	approximate (3) 9:13,14;66:19
accused's (1) 102:19	afield (1) 88:19	always (2) 44:16;86:10	areas (1) 80:15
across (3) 23:6;24:12,16	afternoon (4) 78:7;79:3;101:2;103:19	ambassador (6) 34:17;68:8;79:10,17; 98:8;101:6	argue (8) 49:8;59:3;61:20;84:12; 98:8;103:1,5,9
act (3) 59:19;87:14,15	afterwards (1) 68:14	ambassadors (1) 33:16	argued (1) 61:17
acting (2) 103:21,21	again (26) 5:5;31:21;35:4;36:8; 42:15;48:13;53:5;55:4; 62:8,20;67:7,18;71:17; 72:1;73:13;74:16,19;75:1,4, 10;80:2;82:18;99:16; 100:17;102:19;103:20	AMGT (1) 41:6	arguing (2) 62:16;77:16
actions (1) 79:3	agencies (6) 11:7,12,12;13:5;29:10; 44:16	amount (4) 73:5,9;98:9;103:2	argument (14) 5:21;6:4;48:6;50:15;52:5, 8;62:9;68:3;76:19;80:1,6; 84:7;85:4;98:20
acts (3) 20:3;22:3;83:3	agency (1) 32:2	analogy (1) 15:17	arguments (1) 49:19
actual (24)	aggravated (3) 55:12,14,17	analyst (2) 60:16;62:6	around (8) 27:2;33:3;34:15;35:7; 41:5,10,11;45:10
	aggravating (22)	and/or (1) 57:17	arrested (1) 96:17
		anyways (1) 60:4	art (1)
		apart (2) 81:1,12	

81:8 Article (1) 104:3 aside (1) 68:9 aspect (1) 102:21 assault (4) 55:12,14,17;56:11 assaulted (1) 55:18 assaults (1) 83:2 assess (1) 56:16 assessment (3) 82:4,6,7 assessments (1) 82:10 assignments (1) 10:10 assistance (3) 101:14,17;102:11 Assistant (2) 9:18;12:3 assume (2) 89:11;99:7 assumption (1) 83:13 August (1) 5:18 author (2) 28:15,17 automated (2) 13:12,14 available (12) 5:12;13:1;18:9;24:21; 25:1,3;30:2;43:13;44:5,6; 46:21;90:14 avenue (3) 17:5;22:1;46:20 avenues (1) 21:1 avoid (5) 71:9;73:14;74:1;76:9; 98:3 aware (2) 18:14;67:3	Based (17) 8:6;13:5,19;16:7;17:11; 39:5;42:2;54:9,9;88:6;91:8, 10,15;93:1,16;95:9;97:16 basic (2) 14:4,5 basically (4) 24:12;54:10;55:11;66:12 basis (3) 11:13;54:5;93:19 battalion (3) 67:3;68:14,21 Bauer (4) 60:8,8;62:2,8 became (1) 67:3 become (1) 88:19 becoming (1) 9:20 befall (1) 96:13 befallen (1) 100:18 begin (2) 48:7;50:21 behind (1) 54:5 belief (2) 22:12;43:7 believes (1) 87:10 Besides (1) 24:9 best (4) 6:8;32:3;57:7,8 better (4) 27:17;48:5;58:3,4 beyond (3) 51:20;52:15;75:17 big (1) 94:9 bio (1) 8:3 bit (2) 32:11;97:21 black (5) 53:10,11,15;54:8,13 blame (1) 28:11 blamed (1) 28:10 blew (1) 76:4 bodily (1) 75:13 boss (1) 25:21 bosses (1) 27:7 both (6) 8:18;57:10;66:21;85:8; 91:6;95:19	breakdown (1) 38:10 brief (4) 6:3;48:11;77:5;82:18 briefed (1) 88:4 briefly (2) 10:2;36:17 Brigadier (2) 48:21;96:8 bring (3) 67:20;95:12;97:9 bringing (1) 19:19 brings (1) 53:13 brought (2) 87:14,16 BUD (1) 41:7 budget (1) 41:7 building (4) 46:20;70:19,20;74:19 buildup (1) 28:5 bullets (1) 80:11 bunch (1) 72:11 burden (7) 24:17,18;51:13,13,15,16; 85:19 bureaucracy (2) 24:10,13 bureaucratic (1) 24:17 butcher (1) 33:11 buy (1) 32:10	came (6) 27:11;45:12;46:9;63:10; 65:4;88:2 can (14) 8:7;12:21;15:17;25:6; 30:21;33:8;41:6;42:15; 52:13;57:10;69:8;72:17; 84:9;89:16 capability (1) 10:19 capacities (1) 103:21 capacity (1) 104:1 capital (10) 51:4,12;52:9;85:14,15; 86:2,7,13,16,17 Captain (18) 5:6;7:19;8:5;19:3;20:11; 22:2;25:6,9;29:14;36:7; 38:14;41:15;42:12;44:21; 45:1;47:1;48:15,16 caption (10) 15:8;17:9;21:8;28:14; 38:4;39:5,6,10,40:5;41:11 captions (9) 33:7,11;34:10;38:21; 39:1,12,14;40:20;41:3 captured (2) 15:7;82:7 Caracas (1) 10:9 career (1) 9:12 Carr (4) 48:21;78:16;80:12;96:9 CAS (2) 57:7,13 case (45) 18:3;49:16;53:2,4;54:20; 55:6,7,20,21;56:14;59:2; 60:6;61:3,14,18,19;62:2,10, 11,21;63:5;64:3,10,20;65:3, 17;66:21;67:18;68:13;69:7; 70:11;82:19,20;84:1,6,8,13, 18;85:15,18;86:2,17,17; 87:8;98:7 cases (12) 41:11;51:5;52:9,21;53:1; 76:14,17,18;82:18;85:14; 86:7;97:20 cause (9) 58:9,14,17;61:16;68:5; 84:19;100:21;103:2,4 caused (9) 49:20;57:4;58:20;73:15; 79:2;87:5,19;94:14;103:2 CentCom (5) 92:3,6,6,11,12 Center (1) 5:9 centers (1) 12:9
B		C	
back (11) 21:11;38:3;48:12;57:5; 58:8;72:18;82:7;87:11; 96:8;99:14;100:3 background (2) 72:6,11 bad (2) 96:18;98:12 ballpark (3) 37:12,20,21 Barber (2) 53:6,7		cable (8) 13:16,17;14:14;18:14; 28:15;40:4,20;87:19 cables (32) 12:12,16;13:1,3,4;16:9; 17:5,12;21:5;24:1;26:1; 29:4;31:11,11;32:7,7,12; 36:17,18,18,20;40:9,11; 41:17,18,18;43:3,19;56:16; 68:10,11;79:13 Cairo (3) 10:7,9,17 call (1) 6:12 called (6) 5:2;6:18;34:2;35:8; 58:17;78:2 calls (1) 6:15	

centralized (1) 11:19	clear (2) 59:18;86:9	75:7	101:11;103:11
Centric (6) 14:11,12;16:13;28:19,21; 38:5	clearance (2) 43:19;44:1	concerning (1) 85:13	continued (2) 21:7;102:11
certain (18) 15:8;16:17;26:4;34:17; 35:13;39:2;41:12;54:16,16; 59:18,19;60:14;70:15; 89:14;91:17;94:5;102:7; 103:2	cleared (3) 22:14;23:3,3	concluding (1) 62:13	continues (1) 102:10
certainly (7) 67:18;69:5;70:19;71:7; 72:9;73:8;76:2	clearly (2) 86:17;96:18	conclusion (1) 83:7	continuing (2) 20:17;92:1
cetera (1) 16:3	client (1) 71:8	conclusions (1) 102:18	contracted (2) 56:1,2
chain (2) 56:13;70:14	client's (3) 59:13,21;100:19	conditions (1) 39:18	contracting (1) 55:19
changed (1) 101:17	closely (1) 57:17	conduct (5) 59:21;60:3,3;100:19; 103:2	contrast (1) 68:13
changes (1) 69:4	collection (1) 11:11	conference (1) 6:3	control (5) 26:5;29:11,12;39:3;40:17
Channel (7) 35:8,11;36:11;39:16,17, 17;41:12	combining (1) 95:19	confidants (1) 37:17	controlled (2) 26:18;40:18
charge (5) 66:1,1;77:18;82:1;103:1	coming (2) 65:11;90:8	confidential (2) 39:20;41:20	controlling (1) 34:13
charged (1) 85:2	Command (3) 53:14;54:6;84:17	confused (1) 41:4	controls (2) 22:17;23:7
chart (1) 9:16	commander (2) 67:3;68:14	Congress (2) 11:4,5	convicted (3) 57:16;62:6;81:19
Chief (8) 7:2,7;8:14;16:2;25:11; 35:1;64:21;92:10	commands (1) 45:18	connected (1) 29:7	COOMBS (30) 6:1,10;49:4,12,15;51:10; 52:8,20;57:5,19;58:18; 64:6;65:4,8;68:7;70:8,10; 71:21;73:4;74:11,14;75:5, 21;76:15,21;80:7;82:11,13; 96:4;99:3
child (2) 62:21;82:20	committed (2) 57:12;68:1	connection (1) 57:11	Copy (1) 49:6
CIO (13) 9:15,20;10:1;11:1,1,7,10, 11;12:2,4,15,15;25:14	common (2) 33:17,18	connections (1) 58:21	correctly (1) 71:8
CIOs (1) 11:11	communication (1) 41:12	consequence (1) 88:8	correlate (1) 55:20
circumstance (2) 102:9,12	communications (5) 8:18;10:19;12:7,8;33:15	consequences (2) 87:11,11	cost (6) 67:1;68:21;69:5;70:20; 88:9,13
circumstances (2) 85:13;102:6	community (2) 14:15,17	consider (8) 39:9;52:6,6;61:15;62:4; 83:12;84:1;85:5	counsel (9) 11:7,10,11;40:8;41:3; 48:1,4;60:14;61:9
cite (2) 62:3;64:3	compare (1) 24:19	considered (6) 52:3,17;57:11;84:11; 85:21;86:10	Counselor (2) 9:7;10:16
cited (4) 70:11;76:16,16,18	complained (1) 45:12	considering (2) 49:2;83:20	countless (4) 62:14,18;63:2;83:4
cites (3) 53:19;62:12;65:17	completed (1) 66:7	consistently (1) 57:13	countries (2) 59:18;95:10
class (5) 15:12;16:6;22:13;29:6; 93:17	completely (1) 104:4	constitution (1) 78:15	country (6) 41:8;87:20;88:5,8;95:16, 19
classification (8) 37:9;38:11;39:12;40:2,3, 6;41:1,19	complex (1) 59:7	containing (1) 65:9	country's (1) 34:16
classified (20) 10:19;12:10;15:6,12; 22:15;23:3;29:8;37:6; 39:19;40:10,16;43:8,9,10; 60:10;61:1;68:4;80:17; 84:19,20	complexity (1) 71:15	contemplated (1) 51:2	couple (2) 21:9;96:5
	complicated (1) 71:19	contend (1) 80:9	course (5) 20:7;46:13;90:17;91:12; 92:18
	compromise (1) 22:20	contends (4) 78:3,15;88:21;94:9	COURT (139) 5:2,2,5,13,19,19;6:2,2,12; 8:1,4,6;10:3;19:5,18,20; 20:10,13;21:13;22:4;38:13, 16;39:1;44:20;47:2,17,20;
	compromised (1) 93:3	content (4) 34:15;35:15;36:20;39:13	
	concede (1) 76:5	contents (1) 36:21	
	concentrate (1) 50:16	contested (1) 65:3	
	concern (1) 61:7	context (3) 62:8;71:18;72:8	
	concerned (1)	continue (2)	

48:4,9,9,12,12,13,14,17; 49:6,10,11,14;50:5,14;51:6, 9;52:4,19;53:18;54:1,18; 57:3,13,18;58:13;59:12; 62:20,21;63:14,18;64:4,7, 13,19;65:1,2,7,14;67:11,16; 68:2;70:8,12;71:12,18; 72:14,20;74:8,12;75:3,17; 76:14,20;77:2,7,15;78:6,10, 19;79:5,9,21;80:11;81:14; 82:8,12,16,21;83:5,7,8,11, 17,19,20,21;84:2,9;85:3; 86:21;87:3,18;88:21;89:11; 90:2,7,19;91:2;92:5,8,15, 20;93:10;94:17;95:4,15; 96:3;98:4,21;99:16;101:2, 15,19;103:14,14,16,20; 104:7,9,11,11,13 courtroom (2) 5:10,10 Court's (1) 64:8 created (4) 14:21;79:6;89:14;96:10 creates (1) 86:5 creating (1) 28:6 creation (2) 25:2;73:1 crime (4) 53:16;57:15;81:11;94:3 crimes (5) 62:15;63:17;78:5;83:2; 94:4 critical (1) 46:17 cross (7) 44:3;59:1,12;71:11;89:7; 90:17;91:12 crossed (1) 28:5 current (1) 7:2 currently (2) 79:12;95:11 customers (2) 13:2;21:5 cut (2) 19:16;20:21	dates (1) 18:10 day (11) 5:12;6:6,8;35:8;40:10,12; 66:15;67:4;69:11;70:9; 78:12 days (2) 48:20;103:20 deal (4) 9:11;18:4;88:11;100:20 dealing (5) 51:12;58:10;63:13,20; 70:3 deals (1) 51:4 dealt (2) 62:21;63:1 death (4) 51:14;52:11;67:1;75:12 debate (1) 64:9 decide (2) 104:2,3 decided (2) 32:6;101:13 deciding (1) 29:14 decision (5) 19:16,16;59:20;60:2;71:4 decisions (1) 12:16 deemed (1) 55:13 Defense (28) 5:20,20;16:21;17:1;40:8; 43:12;44:20;47:13;49:8; 59:11;60:12;71:9;73:7,14; 75:1;76:5;81:2;82:8;83:11; 85:4;86:3;88:4;89:4;94:11; 96:14;97:6;100:15,20 Defense's (16) 5:17;49:13;50:13;52:17; 58:8,11;60:4;61:21;68:3; 72:16;74:8;80:1;88:3;96:7; 98:19;100:11 defined (1) 85:11 defines (1) 86:6 definitely (1) 88:7 definition (2) 84:20;85:7 degradation (1) 87:19 degraded (1) 58:20 Delgatto (5) 62:11,20,21;82:19,19 Department (62) 7:6,11,14,15,21;8:3,10, 15,17,20;9:15;11:1,2,15,16, 19,20;12:1,6;13:15;14:3,8;	15:6;16:11,12,20,21;17:12; 18:9;20:6;21:17;22:14; 24:7,16;25:11,15;26:2; 29:7;35:20;43:20;45:18; 47:12,13;59:4;77:21;78:18; 79:9,13,15,19,20;81:9;82:3; 89:12;94:3,10,11;99:5,8; 101:10;102:10,17 Department's (1) 24:14 depending (3) 6:7;95:12,13 Depends (1) 68:7 Deputy (4) 10:1,8;11:1;12:15 derelict (1) 66:8 dereliction (3) 66:17;67:9,10 Dergan (1) 34:2 Dergen (1) 34:18 describe (1) 12:21 described (2) 93:11,14 desert (5) 66:11,20;67:13,15;68:19 design (1) 68:16 detail (3) 66:1,1,2 deteriorated (1) 95:16 deterioration (1) 95:21 determination (9) 30:14,15;40:5;51:3;69:4; 70:12;74:4,6,20 determine (5) 16:1;17:16;32:3;46:17; 84:21 determined (4) 41:19;45:13;50:5;55:5 determining (3) 30:8;31:2;51:7 develop (2) 12:9;21:17 developed (1) 77:12 dicta (2) 64:13;65:14 die (1) 67:15 died (1) 66:20 difference (4) 41:4;68:2;72:20;93:10 different (10) 10:3;21:20;69:14;85:20; 86:11,20;93:21;94:13;	102:6,12 digest (1) 103:15 Diplomacy (9) 14:11,12;16:13;28:19,21; 38:5;59:4;71:19;88:15 direct (9) 55:16;56:14;57:16;65:5; 72:13;75:15;88:17;93:15, 16 directly (29) 9:19;34:19;51:12;55:13; 57:2,3,9;58:6,7;62:1;66:16; 67:8,17,21;68:12;69:2,6,21; 70:12,21;71:5;77:17;85:2; 88:11;89:6;94:14;98:13; 101:18;102:19 director (4) 34:5,19;41:13,14 disclosed (1) 95:17 disclosure (1) 80:17 disclosures (7) 18:1;20:18;88:12;89:8, 14;90:5;95:18 discovered (1) 66:15 discovery (2) 77:13;81:5 discuss (7) 6:4;7:10;20:7;27:12; 46:16;47:21;91:1 discussion (6) 19:12;22:1;27:6;28:4; 83:9;85:12 disregard (1) 104:4 disseminated (2) 26:8;39:5 dissemination (4) 26:18;63:7,20;84:3 distinction (1) 92:15 distinctions (1) 51:11 distribute (1) 35:11 distributed (3) 13:19;26:11,21 distributing (1) 83:3 distribution (12) 32:15;33:8;34:9;36:2,2,6; 39:3,4;44:14;62:13;82:20; 84:10 disturbing (1) 65:21 division (1) 54:13 documents (1) 96:19 DoD (23)
D			
damage (14) 49:20;50:3,10;61:20; 68:5;72:3,4,7;73:2;74:13, 17;80:4;82:4;101:1 data (4) 12:9;63:4,6;65:2 database (2) 28:21;38:5 dated (1) 5:17			

16:10;29:10,10,14;30:7,7, 11,14;31:2,5,11,20;32:2; 43:18,21;45:18,20,21;46:3; 79:19;89:13,19;99:14	effort (1) 79:2	86:16	exclusive (1) 36:1
DoD's (2) 78:17;79:8	efforts (4) 20:12;74:12;81:10;82:6	environment (1) 67:13	excuse (1) 84:17
domino (2) 76:1,8	either (6) 6:5;11:3;21:6;49:1;53:2; 89:3	equivalent (2) 9:8,18	excused (3) 47:18,21;48:3
done (3) 27:21;69:16;88:6	electronic (1) 65:9	especially (3) 59:3;64:10;71:13	EXDIS (3) 36:1;40:4,9
doubt (2) 51:20;52:16	electronically (3) 13:4;26:8,9	essentially (2) 53:9;102:16	executive (3) 36:2,5;94:2
down (3) 54:20;94:2;98:1	elicit (7) 72:2;79:1,16;89:19; 90:12;91:6;101:10	establish (1) 85:16	exhibit (3) 49:2,7;80:2
draft (2) 28:15;82:6	elicited (2) 78:16;95:13	established (1) 79:11	exhibits (1) 5:14
drafters (3) 51:1;52:10;86:10	eliciting (1) 101:3	establishes (1) 85:19	existed (2) 33:19,20
drafting (1) 33:4	Ellen (1) 48:16	et (1) 16:2	expend (1) 71:4
draw (1) 59:8	else (6) 6:12;40:1,20;84:4;95:8; 98:4	Even (8) 38:8;52:3;77:13;80:21; 99:7;101:4,11,15	expended (3) 75:13;84:17;94:7
drawbacks (1) 24:6	email (1) 5:20	event (2) 87:12;95:11	expenditure (1) 73:1
drawing (2) 54:10;77:9	embarrassment (1) 74:2	events (7) 18:15;19:2;56:13;70:14; 94:19;97:14;98:5	expenditures (2) 72:21;84:21
drawn (3) 80:21;88:5;94:10	embassadors (1) 35:1	everybody (2) 23:12;24:11	expensive (1) 74:18
draws (2) 74:14;80:10	embassies (2) 12:13;33:3	everyone (3) 22:12;102:9,12	experience (3) 17:11;23:5;40:11
drew (1) 20:1	Embassy (4) 10:7,8;13:16;28:15	evidence (43) 22:5;50:20;52:2;53:19, 21;54:2,4,6;57:10,11,14; 64:12;65:1,16;67:8,20; 74:9;77:11,19;78:15,21; 81:7;84:4;85:8,11,17; 86:12;87:8;88:19;89:1,10, 13;90:19,21;94:8;95:2,12; 99:17;100:16;103:7,10; 104:1,2	expert (12) 89:6;90:13;91:2,3;93:4; 100:2,5,12,14;103:3,8,12
drove (1) 25:2	employees (2) 16:12;17:1	exacerbated (2) 62:15;83:1	expertise (6) 7:11;91:8,10,11;93:2; 97:16
drug (2) 60:9,15	end (10) 6:6;8:12;16:5;17:19,20; 35:7;40:10,11;70:8;76:14	exact (3) 18:10;60:15;84:13	experts (6) 90:13;91:21;92:21;93:6; 99:15;103:3
drugs (3) 60:16,20;61:1	endeavor (1) 71:20	exactly (2) 75:5;99:20	expert's (1) 95:8
due (1) 100:18	ending (3) 56:13;70:14;97:14	EXAMINATION (7) 6:21;25:8;38:18;44:3,21; 47:3;91:13	explain (3) 38:21;102:15,17
duly (1) 6:18	ends (1) 28:19	examined (2) 6:20;71:11	explore (1) 58:5
During (5) 48:17;49:17,19;50:8; 64:20	enemies (1) 90:15	example (8) 28:3;57:20;69:18;70:18; 73:4;74:17;88:4;90:8	exposed (1) 90:10
duties (3) 8:13;10:11;66:8	enemy (3) 99:17,19,20	examples (2) 16:20;70:17	extended (1) 94:6
duty (2) 84:15;96:10	energy (1) 94:7	exception (2) 5:6;26:12	extensive (1) 67:5
E	enforcement (1) 81:12	exceptions (1) 26:13	extent (1) 51:5
earlier (3) 6:3;71:19;93:12	enough (1) 28:11	exclude (1) 54:6	extenuation (1) 83:16
Easily (2) 16:15,19	ensure (2) 66:4;98:10	excluded (1) 54:4	external (1) 59:10
effect (9) 76:1,8;87:7,7,14;91:11; 103:9,11,12	entertain (1) 51:6		F
effective (2) 17:12;23:6	entire (5) 9:12;68:18,21;84:8;101:7		face (1) 80:9
effects (3) 20:1;88:20;89:20	entrance (1) 46:19		fact (29) 28:8;33:2;40:21;46:7; 50:18;54:3;61:19;63:3,19;
	enumerated (1)		

64:8,9,10,15,16;65:8;67:4, 17;69:14;76:7;84:1;85:9; 90:18,20;91:7;97:15;98:21; 100:5,8,9	fifth (1) 88:20	forth (1) 67:20	goes (7) 52:20;71:13;89:7;96:8; 99:14;100:3;102:17
factor (10) 62:19;63:8,21;64:2,5,7, 20;65:13,15;86:19	figure (2) 19:15;73:21	forward (3) 28:2;80:5;95:12	good (2) 60:13;70:18
factors (15) 51:2,17,21;52:9,10,12; 59:5,10,14;67:16,19;83:19; 85:20;86:11;91:15	figuring (1) 73:17	found (13) 17:8;52:11;53:8,12;54:1; 55:11;66:19;67:9,11;73:18; 82:2;86:3;93:17	Government (44) 11:3;19:19;20:3,12; 38:16;44:10;50:18;51:5,17; 52:13,20;53:13,17,19; 54:18;55:1;60:7;61:11,18, 19;62:12;65:17;66:21; 67:19;70:5;72:1;75:18; 76:16;77:3,4;78:10;81:10; 84:21;87:3,9;88:14;89:12; 94:1,11,17;100:12;101:3; 103:7,10
facts (5) 55:5;63:5,6;65:21;84:13	financial (1) 10:16	foundation (1) 102:5	Government's (12) 5:16;49:12,21;50:16,17; 62:3,9;79:21;83:10;85:3; 87:18;89:17
failed (6) 53:17;54:2,19;55:4;56:2; 84:14	find (10) 14:18;16:15;44:17;51:13; 52:7;67:6;72:21;73:3; 84:17;102:13	foundational (1) 8:7	grab (1) 102:13
failing (1) 55:11	finding (3) 51:20;64:8,9	four (2) 5:10;10:10	graffiti (2) 71:3;74:19
failure (3) 55:13,17;66:17	finish (2) 39:8;47:6	fourth (1) 88:20	great (3) 18:4;62:15;83:1
fairly (5) 27:5,13;42:12,14,18	fire (1) 16:1	French (1) 33:13	greater (1) 22:10
fall (6) 9:17;11:21;18:11;22:3; 73:13;75:20	first (13) 6:5,13,18;11:16;18:8; 53:5;57:6;78:12;86:11; 93:17;95:7;96:8;101:6	fresh (1) 80:14	group (6) 44:2;68:15;78:2;79:11, 18;96:7
familiar (4) 17:21;18:2;37:3,5	five (3) 66:20;68:10;73:18	function (3) 57:10;101:7,8	groups (3) 11:6,9;79:9
far (8) 10:11;56:19;57:2;70:16; 71:9;76:1;88:19,21	fix (2) 15:4;74:4	Fund (1) 7:4	guards (1) 66:4
fashion (1) 99:18	fixed (1) 81:4	further (5) 25:5;38:14;44:18;80:20; 87:1	guess (5) 22:10;37:18;70:15;74:14; 95:5
feasible (4) 23:10,14,15;47:9	flag (1) 46:7	future (27) 20:3;22:3;55:9;74:1,5; 75:1,3;78:5;81:11;91:11; 92:1,13,19;93:8;94:3,12,13; 95:11;97:4,14;99:13;100:2, 3,14,21;102:3;103:4	guidance (3) 19:2;33:3;66:10
feed (1) 26:17	flushes (1) 82:14	G	guilty (9) 53:8,12;55:11;65:3;67:9; 82:2;85:2;86:3;93:17
feel (4) 28:10,11;56:20,21	focal (1) 45:4		H
feet (2) 59:13;71:8	focus (4) 17:21;21:3;79:14;80:11	Gates (3) 48:19;73:7;80:21	
Fein (64) 5:3,4,15;6:11,14,21;7:1; 8:2,8,9;19:6,21;20:15; 21:16;22:8,16;25:4;38:18, 19;44:18;47:3,4,16,19;48:8, 15;49:5,9;77:5,8;78:9,14, 20;79:7;80:8;81:20;82:17; 83:6,15,18;84:7,10;85:6; 87:1,9;88:2;89:16;90:4,11, 21;91:5;92:6,10,17,21; 93:14;95:1,7;96:2,5;100:6; 101:6;102:4;104:8	focused (1) 78:17	Gate's (2) 80:3,16	half (2) 66:15;67:5
felt (3) 31:5;90:6;96:11	folks (1) 26:7	gave (2) 47:10;70:17	hand (1) 103:6
ferreting (1) 75:7	follow (1) 102:10	general (13) 8:13,17;10:11;12:21; 34:19;41:13,14;48:21; 54:11;76:17;78:16;80:12; 96:9	handful (3) 21:9;45:20;47:11
few (3) 21:8,8;45:19	following (1) 11:8	generalities (1) 37:7	handle (4) 22:15;23:3,4;26:4
field (7) 7:11;8:19;10:4;17:3,4; 93:1,6	Follow-on (1) 47:2	generalized (1) 54:14	handling (2) 26:3;43:10
fields (1) 93:3	follows (1) 6:20	generally (6) 14:2;20:12;25:17;26:6; 27:18;28:14	happen (23) 27:8,8;49:21;50:8;61:12, 13;88:21;91:3,14;92:4,5,18, 18;97:15,17;98:11;99:13; 100:3,14;101:5;102:3,8; 103:6
	force (2) 48:19;78:11	gets (2) 34:13;39:4	happened (30)
	forces (3) 73:2;89:15;90:10	given (3) 45:14;55:9;63:16	
	Foreign (6) 8:21;9:2,5,13;34:19; 88:16	giving (5) 30:18,20;34:18;65:13; 93:5	
	foreseeable (2) 67:12;68:4	goals (1) 73:6	
	form (1) 88:15		
	forming (1) 93:18		
	Fort (4) 13:7,8,9,10		

18:15;25:12;26:21;27:4; 9:12,16;28:7,8;42:13;50:3; 10:58;10:69:9;71:16;90:3; 5:91:4,10;95:20;96:18; 97:11,19;98:3,13;100:10; 101:4;102:1,2;103:5 happening (6) 61:2;75:1,4;81:11;91:3; 94:4 happens (2) 60:12;96:21 Hardenson (3) 57:8,13;58:7 harm (44) 20:2;55:2,16;56:14;57:4; 58:9,11,14;61:16;68:11; 69:8,12,16,17,20,20,21; 70:3,7;73:10,11,11,15,18, 18;75:6,6,9;77:17;78:17; 79:2,15;84:19;85:1,1; 94:14;96:12,17;97:7;98:1, 6;100:18;103:3,4 head (4) 12:1,4;16:2;101:7 headquarters (2) 8:19;13:18 headquarter's (1) 13:3 health (1) 56:3 hear (3) 58:15;79:9;101:15 heard (7) 20:13;50:7;72:6,10,11; 78:11;80:12 hearing (3) 54:16,16;104:1 hearsay (1) 100:13 held (3) 10:4;26:20;57:13 help (2) 11:13;102:14 helped (1) 80:14 helpful (1) 17:8 here's (6) 33:4,5;46:19;73:18; 91:17;102:1 hey (3) 27:21;29:14;46:10 high (5) 35:4;36:8;45:20,21;46:6 higher (1) 85:18 highest (1) 26:15 highlight (1) 82:19 highly (1) 34:12 historical (1)	71:14 history (1) 43:2 HIV (6) 55:7,8,10,19;56:1,2 hold (2) 9:21;77:3 holding (1) 82:21 home (1) 56:10 homeless (2) 56:10,10 Honor (38) 6:1,10,14;7:19;19:3;20:2; 22:2;25:5,7;38:12;44:19; 47:19;49:4,15;50:21;77:8; 78:3,21;79:16;80:7,20; 82:21;84:7,11;85:10,12; 86:8;87:2,9,17;89:4,9,16; 93:5;94:8;96:4;101:9; 102:16 hospital (1) 16:2 host (1) 34:16 hour (2) 71:13,14 hours (1) 69:13 house (5) 56:8,9;71:10;73:20;74:6 HR (1) 39:16 Huachuca (4) 13:7,8,9,11 huge (1) 24:17 human (2) 34:6;96:9 hurdle (1) 28:5 hypothetical (3) 68:8;75:10;95:15	59:13 immediate (8) 18:18;19:12;20:1,16,18; 75:6;79:20;87:5 immediately (4) 19:8,9;56:16;95:17 imminent (1) 75:12 imminently (1) 67:12 IMO (1) 10:17 impact (9) 53:14;54:16;61:10;72:13; 80:17;82:6;86:10;92:1; 100:8 impacted (2) 56:21;60:16 impacting (1) 88:17 impacts (1) 88:14 implement (1) 11:13 Implemented (3) 21:1;23:21;24:7 implicit (1) 83:13 important (6) 51:10;54:18;60:18;61:3, 8;67:7 improper (2) 53:19;100:15 improving (2) 41:9;51:17 inaudible (7) 73:2,5;77:20;88:5,7; 95:14;98:16 InaudibleWhat (1) 57:18 incident (1) 47:14 include (1) 12:12 included (4) 39:13;79:3;86:8;87:7 includes (1) 12:7 independent (10) 40:2,3,5;60:3;69:3;71:4; 74:3,6,20;87:12 indicate (1) 52:1 indicated (2) 61:9;63:15 indicating (1) 61:11 indications (1) 51:21 individual (16) 24:18;34:18;39:18,21; 47:15;55:18;63:1;64:15; 65:21;66:8,16;67:1;74:7,	20:75;11;89:2 individually (1) 46:16 individuals (20) 13:21;17:3;21:10;31:12; 43:18;66:11;71:12;79:12, 15;89:21,21;95:10;96:9,15; 99:4,9;101:12,13,16;102:6 individual's (1) 66:17 inferences (1) 54:10 influencing (1) 59:15 Information (77) 7:3,7,12,14,15;8:14,16; 9:11,12;10:4,5,6,7,11,12,12, 14;11:18;15:2;17:6,6;18:9, 18;19:20;21:4,20;22:9,15; 23:4,7;24:20;25:11,15,18; 26:20;35:17;39:13,20;40:1, 16;41:10;42:9;43:10;44:9, 17;45:14,19;58:19;60:10; 61:2,17;62:14;63:20;64:16, 17;65:12;68:5;72:2,11; 76:3;78:1,3;80:18;81:15; 84:19,20;90:14,16;92:1; 93:1,2,18,18;95:9;99:18,20; 103:16 informative (1) 69:11 initial (2) 69:5,7 initiative (1) 58:4 initiatives (1) 58:1 injury (1) 75:13 inputted (1) 42:1 instance (3) 53:2;90:12;94:5 instances (1) 59:16 instead (3) 68:19;69:13;88:10 instruction (1) 62:4 instructions (1) 26:4 instructs (1) 61:15 insurance (1) 56:3 intelligence (5) 35:12,13,14,16;62:6 intend (5) 20:8;81:6;82:5;90:12; 91:20 intending (1) 101:3 intends (4)
	I		
	idea (1) 57:19 ideal (1) 97:9 identified (8) 14:13;17:7;81:21;96:16; 97:6,7;98:9;101:12 identify (4) 68:10,11;96:12;98:2 identifying (2) 96:15,16 IDs (1) 24:15 illogical (1) 32:1 ills (1)		

79:1;89:19;91:5;101:9 intensive (1) 24:10 intent (3) 23:1;27:18;31:9 interagency (6) 11:3,6,8;14:15,16;29:5 interface (2) 16:14;17:8 interject (1) 19:4 interlocutory (1) 104:1 internal (1) 35:20 International (1) 7:3 internet (3) 42:10;62:17;64:17 interpreted (1) 57:7 intervening (3) 87:12,13,15 into (11) 14:19;50:19;59:5,10; 66:11;71:2;72:8,18;80:10; 87:21;97:5 invest (2) 74:18,21 investigation (1) 81:13 involved (2) 12:16;19:7 involving (1) 18:17 IPC (1) 11:7 IRM (9) 11:15,16;12:4,5;18:16; 19:7,13;20:17;25:21 IRM's (1) 26:5 IRTF (5) 79:8,19;80:3;81:1,14 IRTF's (1) 80:10 issue (12) 15:4;34:20;63:11,12,13; 64:11,11;76:17;77:9;84:2, 5;88:3 issues (2) 11:7;41:7 items (2) 53:9,11	judicial (2) 82:9,13 July (1) 8:12 justification (2) 47:10;60:1 kwics (26) 21:6,6;30:2,6,8,9,11,18, 20;31:3,6,6,8,9,11,19;32:8, 8;38:3;43:13,15;44:1;46:1, 2,3,4	65:18,19,20;68:13;72:21; 84:12,12,13 lay (2) 50:13;73:7 laying (1) 35:7 lead (1) 60:10 leak (1) 57:20 leaked (1) 93:18 leaks (4) 29:20;32:12;49:20;57:4 learn (1) 18:8 learned (1) 82:7 least (5) 7:9;69:16;86:1,9;89:1 leave (2) 8:10;35:7 leaves (1) 85:17 left (3) 40:10,11,16 Legacy (8) 17:17;21:11,11,13;44:4,4, 5,8 legal (1) 84:19 Lema (2) 10:8,18 lengthy (1) 63:2 lesson (1) 71:14 lessons (1) 82:7 level (9) 9:16;26:15;33:21;35:4; 36:8;39:9;45:20,21;46:6 likely (1) 91:14 limit (3) 21:19;24:12;33:8 limited (8) 7:20;8:7;45:19;54:8,9; 65:10;72:12;98:9 limiting (1) 19:11 line (16) 17:20;20:1;59:8;60:7; 70:9;71:7,9;72:15;74:15; 77:9;80:10,21;87:4,10; 88:4;94:9 link (1) 57:14 list (3) 27:13;52:13;89:18 listed (3) 52:10;65:8;86:19 listen (1)	72:15 listens (1) 71:12 literally (1) 13:13 litigation (2) 49:16;51:12 little (1) 32:11 location (1) 13:16 locked (1) 35:7 logic (2) 14:5;32:10 logical (1) 31:15 logistics (2) 6:4;10:16 logon (3) 23:12;24:8;28:3 log-ons (2) 24:11,15 logs (1) 19:1 long (4) 7:20;9:2;14:2;48:6 Longer (2) 14:8;75:19 look (11) 15:14;16:6;36:18;37:1; 59:18;60:6;63:9;64:14; 70:10;73:21;81:2 looked (2) 20:21;56:16 looking (13) 18:21;22:4;27:15;48:4; 50:17;51:5;52:18;71:2; 80:2,5;83:5;89:17;104:5 loosely (1) 17:4 lose (1) 67:14 lost (5) 56:3,9;57:1;67:14;88:9 lot (7) 27:1,3;32:17,20;59:14; 72:17;97:20
J		K	M
J		keep (3) 38:8;98:16;102:5 keeping (1) 99:8 Kennedy (1) 79:17 kind (22) 9:16;10:2;17:5,6;19:19; 24:2;28:3,5;34:9;39:2; 41:12;54:5;58:8;59:16; 82:14;96:8,10;97:13;98:3; 99:4,14;100:3 kinds (4) 16:18;34:15;35:13,14 Kirchhofer (3) 48:21;78:17;80:12 knew (4) 27:18;32:15,17,20 knowing (1) 40:1 knowledge (4) 54:7,8,9;93:2 known (4) 27:14;37:8;39:21;42:20 Korea (1) 53:10 Kozak (4) 79:10;96:6;98:8;101:6	
J		L	
J		label (1) 34:14 laid (2) 59:13;80:10 large (3) 11:12;65:9;92:9 Largely (1) 16:10 last (11) 5:5;48:13;65:17;80:2,20; 81:13;82:19;83:6,7;97:3; 103:20 later (7) 20:7;66:15,20;67:5; 69:19;96:7;100:1 Law (3) 62:12;70:11;81:12 Lawson (8)	
J		job (4) 15:2;16:16;30:21;66:3 Jones (3) 54:21;55:7,21 judge (3) 54:3;61:14;65:10	
J		Ma'am (53) 5:4,7,15;6:11,14;7:18; 8:5,8,10;18:11,16;19:21; 21:3,3;22:8;23:5;24:4,20; 25:10;32:17;38:15,20; 41:15;43:11;44:18;48:15; 49:5,12;60:6;65:19;76:12, 13,15,21;77:5;78:20;79:8; 80:8,15;81:20;82:3,17; 83:15,18;85:6;88:2,90:11; 91:6;92:10;95:7;96:2; 101:6;102:4	

maintain (1) 84:14	meant (1) 92:8	66:16;67:4	much (7) 25:4;56:21;71:14;72:17; 77:2;79:4;85:17
maintains (1) 22:5	measures (5) 22:6;77:10;90:3;93:12,20	mission (9) 10:20;35:1;66:2,6,13; 67:2;68:18;80:4,10	must (3) 51:19;57:12,16
Major (9) 5:3;6:21;25:8;38:18; 47:3;53:14;54:7;96:5;100:6	mechanism (1) 27:19	missions (3) 68:17;69:1;90:1	N
majority (1) 45:17	med (5) 39:17,17,21;41:13,13	mitigate (11) 20:2;74:12,12;77:16; 78:5;79:2,12,15;80:4;85:1; 94:13	name (4) 24:7;34:9;81:21;96:19
makes (1) 53:20	media (4) 5:8,8,9;65:9	mitigates (1) 74:17	names (1) 96:11
making (3) 30:14,15;69:3	medial (1) 22:6	mitigating (2) 78:17;83:17	narrow (1) 34:17
manage (5) 12:8;19:14;23:13;24:10, 15	medical (1) 39:17	mitigation (15) 20:6,12;74:5,9,11;77:14; 78:2,2,5,8,13,18;81:9;82:6; 83:15	national (7) 60:16;61:10;62:5;77:17; 86:10;88:15,18
Managed (1) 12:7	medications (1) 56:5	MJ (4) 53:6;54:21;57:8;65:19	nation's (1) 34:16
management (9) 9:11,19;10:6,7,12;11:18; 12:11;25:18;41:7	meet (1) 44:9	modifications (1) 14:5	natural (3) 87:10;88:7;97:7
Manager (2) 10:9,9	members (4) 5:8;51:19;61:15;62:4	mole (1) 76:4	nature (4) 62:15;63:16;83:1;99:12
managing (1) 24:13	memo (2) 80:3,9	moment (6) 25:6;38:12;76:20;80:8; 89:16;104:8	NCD (40) 14:19,21;15:4;16:4,8; 17:1,10;19:9,10;21:4,18; 22:9,18;24:19;25:2,27,2,5, 13,19;28:5,14,16;29:4,5,7, 11,21;30:16;31:1,15;32:12; 42:5,17,19,20;43:11,17; 45:2,18;47:11
man-hours (1) 56:17	mentioned (3) 15:16;29:20;42:11	Monday (2) 79:16;103:15	necessarily (3) 38:7;39:9;42:2
Manning (6) 67:21;81:18,20;93:17; 94:15;95:17	merits (8) 49:18;50:1,2,8;58:9;65:3; 70:2;90:9	Monetary (1) 7:3	need (14) 32:3,18;44:17;45:13; 46:17;48:6;71:18;74:2; 75:6;100:4,8;101:13,17; 104:6
Manning's (7) 18:1;20:4;77:18;79:3; 94:18;101:18;103:1	message (2) 13:9;15:20	money (4) 56:5;73:5,10;94:6	needed (10) 15:2;17:17;31:5,8,10; 45:18;56:5;72:6;81:3;96:12
many (12) 9:10;23:18;37:9,10;45:3, 6,17;46:21;54:15;59:5,9,12	messages (6) 15:7;16:7;34:21,21;35:6; 39:14	monitor (1) 66:12	needing (1) 17:7
Marine (5) 66:2,19;67:4,6;84:16	messaging (2) 8:17;10:17	monitoring (1) 24:11	needs (2) 32:7;39:20
marines (2) 30:10;66:14	met (1) 6:2	monthly (1) 11:13	Net (10) 14:11,12;15:12;16:6,13; 22:13;28:19,21;29:6;38:5
marked (4) 5:15;41:18,21;49:6	metastasized (1) 87:20	months (1) 66:20	network (2) 12:8;15:6
market (5) 53:10,11,15;54:8,13	method (9) 15:9,15;16:4,19;21:11, 13;29:1,2;30:4	moral (1) 96:10	networks (2) 29:8;83:4
martial (1) 89:1	methods (1) 17:7	more (12) 9:14;14:6;15:8;29:2; 32:11;33:13;39:12;71:14; 72:6;80:5;92:4,5	new (1) 5:14
matter (3) 18:4;41:5;42:2	might (7) 16:15;27:16;59:21;61:1; 78:14;99:10;102:3	morning (3) 5:7;48:5;103:17	next (5) 54:20;60:6;62:10;69:19; 94:14
may (9) 31:14;60:20,21;68:5; 77:5;87:6;97:15;102:21; 104:8	military (5) 9:8;54:3;61:14;65:10; 88:15	Morrow (1) 5:6	nice (1) 16:14
Maybe (7) 9:14;27:17;37:7,13; 91:14;97:16;99:9	millions (1) 45:7	mortgage (2) 56:8,9	NODIS (5) 34:8,21;40:4,9;41:14
mayor (1) 16:2	mine (1) 26:5	motion (11) 5:17,21;19:18;20:5;49:3, 13;50:13;60:7;62:4;70:17; 103:15	none (2) 38:1,2
mean (14) 13:6;14:16;15:10;17:19; 23:11,17;28:9;37:7;39:10, 15;42:8,14;43:1;86:18	Minister (1) 9:7	moved (1) 26:1	
means (4) 15:3;23:21;34:9;57:9	minute (2) 48:8;52:4	moves (1) 8:2	
	minutes (2) 48:10;69:13	MRA (1) 54:2	
	misconduct (6) 18:1;57:15;77:18;94:19; 101:18;102:20		
	missing (2)		

<p>normally (1) 52:2</p> <p>Note (1) 20:11</p> <p>notice (2) 82:9,14</p> <p>notify (1) 98:10</p> <p>number (8) 11:6,8,33:7;37:11;45:20; 53:16;65:9;70:15</p> <p>numbers (4) 23:16;37:8;41:15,17</p>	<p>often (1) 57:17</p> <p>oftentimes (1) 59:9</p> <p>old (1) 63:2</p> <p>once (7) 11:5;13:15;21:4;39:4; 67:3;72:5;88:19</p> <p>one (28) 5:9,11;27:11,15;28:7; 31:2;33:11;34:10;35:18; 37:7;53:5,16;56:15;59:8; 63:11;66:14;70:18;76:20; 77:12;80:8;86:2,7;91:6; 92:3,4;96:19;102:21;103:6</p>	<p>others (4) 20:20;21:8,8;86:19</p> <p>out (33) 6:7;13:9,16,17;15:13; 16:15,17;19:15;33:3;40:10; 11,16;44:14;48:16;50:13; 57:8;62:17;64:17;66:10,11; 68:19;73:7,18;75:7,14,18; 77:13;80:10;82:15;85:7; 90:9;91:20;96:14</p> <p>outcome (2) 57:17;88:11</p> <p>outside (1) 89:4</p> <p>over (3) 42:9;63:3;97:2</p> <p>overall (2) 85:16;86:5</p> <p>overflow (1) 5:11</p> <p>Overgaard (1) 48:16</p> <p>overseas (1) 10:10</p> <p>oversee (1) 8:16</p> <p>overseeing (2) 10:15,18</p> <p>oversees (1) 10:4</p> <p>own (2) 19:1;26:18</p> <p>owner (2) 71:1,4</p>	<p>23:13</p> <p>passwords (2) 24:15;28:4</p> <p>Pause (3) 10:21;77:1;104:10</p> <p>pay (4) 56:5,8,9;60:21</p> <p>penalty (2) 51:14;52:12</p> <p>people (35) 15:1;16:5,5,11;23:18; 26:4;27:5,6,18;32:3,17; 33:4;43:7;44:16;45:18,20, 21;46:9,16,21;47:10;56:11; 57:21;66:5,12;68:10,15; 92:21;97:2;98:10,12,16; 101:21;102:7,13</p> <p>per (1) 39:16</p> <p>period (1) 63:2</p> <p>permanently (1) 47:18</p> <p>permissible (6) 87:15;94:15,16,20;95:2; 104:2</p> <p>perpetuity (1) 91:16</p> <p>person (20) 17:20;23:8;26:19;43:21; 55:19;59:18;67:15;69:3,6; 75:14,18,20;76:2;79:10; 96:17,21;97:9,9,10;98:18</p> <p>personal (1) 89:20</p> <p>personally (2) 16:21;100:7</p> <p>persons (1) 96:6</p> <p>perspective (1) 72:3</p> <p>Pfc (12) 18:1;20:4;67:21;77:17; 79:2;81:18,20;94:15,18; 95:17;101:18;103:1</p> <p>phase (4) 49:18;50:4,8,9</p> <p>phrase (1) 57:9</p> <p>picked (1) 66:14</p> <p>piece (1) 58:15</p> <p>pieces (1) 80:5</p> <p>place (9) 6:5;14:1,2,6;22:18;23:7; 45:9;56:12;94:2</p> <p>placed (1) 66:11</p> <p>places (1) 66:5</p> <p>plan (2)</p>
<p>O</p>	<p>ones (1) 76:18</p> <p>ongoing (1) 89:5</p> <p>only (9) 35:21;50:1,4;72:15;79:7; 87:13,14;99:11;103:2</p> <p>open (1) 85:17</p> <p>operated (1) 42:20</p> <p>Operations (6) 5:8;88:16;92:2,3,11;93:6</p> <p>operator (1) 13:13</p> <p>opinion (25) 27:13;31:16;63:9;69:16; 89:6,7;90:13,16,16;91:2,3, 6,7,9;92:13,14,17,19;93:5, 19;95:8;100:2,14,15;103:3</p> <p>opinions (2) 91:21;93:16</p> <p>opportunity (5) 57:1;58:5;88:3,9,13</p> <p>opposed (3) 15:14;71:15;97:20</p> <p>opposing (1) 90:10</p> <p>oral (4) 5:21;6:4;48:5;50:15</p> <p>order (18) 5:2;20:1,3,17;22:18; 48:12;51:13;52:11;55:9; 56:6;60:1,21;72:5;85:8; 88:20;94:2,3;102:18</p> <p>ordered (1) 67:5</p> <p>organization (2) 13:20;76:5</p> <p>organizational (3) 9:16;13:5;16:17</p> <p>organizations (5) 14:18;17:13;79:6,7;94:1</p> <p>originally (1) 101:16</p> <p>originator (2) 13:10;14:13</p>	<p>P</p> <p>Page (8) 50:19;53:6;54:21;60:8; 62:10;65:19;83:6,6</p> <p>painfully (1) 80:13</p> <p>paint (4) 71:3;74:16,18,18</p> <p>Palms (1) 66:3</p> <p>panel (2) 51:19;61:14</p> <p>paragraph (3) 80:21;81:13;83:7</p> <p>part (6) 27:6;69:10;92:9;97:6; 99:5,7</p> <p>particular (4) 54:7;63:1;76:4;99:18</p> <p>parties (9) 5:3,4;6:3,9;48:13,18; 77:14;85:8;104:8</p> <p>partners (2) 29:5;55:9</p> <p>parts (2) 26:4;88:7</p> <p>password (1)</p>	<p>per (1) 39:16</p> <p>period (1) 63:2</p> <p>permanently (1) 47:18</p> <p>permissible (6) 87:15;94:15,16,20;95:2; 104:2</p> <p>perpetuity (1) 91:16</p> <p>person (20) 17:20;23:8;26:19;43:21; 55:19;59:18;67:15;69:3,6; 75:14,18,20;76:2;79:10; 96:17,21;97:9,9,10;98:18</p> <p>personal (1) 89:20</p> <p>personally (2) 16:21;100:7</p> <p>persons (1) 96:6</p> <p>perspective (1) 72:3</p> <p>Pfc (12) 18:1;20:4;67:21;77:17; 79:2;81:18,20;94:15,18; 95:17;101:18;103:1</p> <p>phase (4) 49:18;50:4,8,9</p> <p>phrase (1) 57:9</p> <p>picked (1) 66:14</p> <p>piece (1) 58:15</p> <p>pieces (1) 80:5</p> <p>place (9) 6:5;14:1,2,6;22:18;23:7; 45:9;56:12;94:2</p> <p>placed (1) 66:11</p> <p>places (1) 66:5</p> <p>plan (2)</p>

69:1;92:12 planner (1) 92:11 planning (2) 92:2;93:7 plans (1) 92:13 play (3) 12:5;59:5,10 played (1) 77:13 plea (1) 65:3 please (5) 5:3;15:18;38:21;47:21; 104:9 plus (2) 10:18;63:19 point (13) 16:5;24:14;37:8;45:4; 47:7;50:6;55:8;72:5,17; 91:17;97:4,15;98:1 polads (1) 45:17 police (1) 66:6 porn (2) 62:21;82:20 portion (2) 70:20;73:8 portions (1) 80:4 posed (1) 98:4 position (22) 9:21;32:3;49:21;50:6,14; 52:17;53:20;58:8,11;60:4; 61:21;62:3,13;64:3;65:18; 72:16;74:8;80:1;83:10; 85:4;87:19;96:7 positions (1) 10:3 positive (1) 55:8 possibility (1) 102:3 possible (4) 20:21;52:13;56:11;59:2 post (3) 27:12;44:5;66:4 posted (1) 17:10 potential (11) 55:2,19;61:12,16;62:5; 68:11;97:4,14;98:6,18; 100:2 potentially (2) 56:18;89:13 power (2) 31:12,14 powers (1) 64:8 precluded (1)	103:4 pre-NCD (2) 44:6,8 present (7) 5:5;22:5;48:13,14,16; 85:8;89:13 presentation (1) 89:1 presented (1) 103:16 presenting (1) 103:7 President (1) 35:2 presumably (1) 31:7 Pre-the (1) 22:20 pretty (1) 79:4 prevent (12) 20:3,17;22:3,6;74:19,21; 75:3;81:11;94:3,12,14; 103:7 preventative (1) 90:2 previously (1) 7:6 prior (5) 9:20;12:17,19;24:1;49:15 priorities (1) 11:14 privacy (1) 34:18 Private (1) 93:16 probable (3) 87:10,11;88:8 probably (8) 26:21;27:3;30:20;33:11, 13;38:10;58:2;97:1 problem (4) 56:17;60:21;61:6;77:20 problematic (1) 53:15 problems (2) 54:13;77:12 procedures (2) 81:3;93:21 proceed (1) 103:18 PROCEEDINGS (1) 5:1 process (8) 13:1,12,14;45:9;91:19; 99:9;102:16,17 processes (1) 93:21 produced (1) 81:5 pronunciation (1) 33:12 proof (4)	51:15,16;52:15;85:19 proper (29) 50:19;53:21;55:15;58:9; 62:8,18;72:16,18;74:15; 75:2;76:6,12;83:13;84:3; 94:8;96:20;97:8,12,13,18; 98:14,19;99:1,10,13,19,21; 100:16;103:12 proposition (4) 53:3,4;55:1;76:18 prosecutor (1) 55:21 provide (2) 21:1;48:18 provided (1) 19:10 providing (1) 14:13 provisions (1) 22:10 publicly (1) 18:9 published (1) 80:19 pull (9) 15:9,10,16;29:1,2;30:4; 68:9;75:14;76:3 pulled (2) 45:2;102:11 pulling (2) 21:19;75:18 punishment (2) 51:3;52:14 purchases (1) 53:11 purchasing (1) 53:9 purported (6) 18:8;24:1;36:18;41:16; 68:11;79:13 purpose (1) 49:2 pursue (1) 17:16 push (4) 15:15,16,20;29:1 pushed (4) 13:4,9,16,17 pushing (2) 15:19;21:14 put (12) 14:19;23:7;28:3,16;33:2, 4,5;34:14;66:10;71:8;72:8; 94:1 puts (2) 60:12,14	quarter (1) 104:5 quicker (1) 72:17 quickly (2) 17:9;19:17 quite (2) 58:2;97:21
R			
radios (1) 12:8 raised (1) 89:3 ramp (1) 46:19 ran (2) 10:16;19:16 rank (1) 9:5 rather (1) 19:17 RCM (19) 5:17;6:3;51:4,6,7,11,11, 12,15,18;52:8,15,17,18; 55:3;57:14;74:9;85:13 reach (1) 44:16 reached (1) 16:16 reaching (1) 96:14 reacting (1) 18:17 reaction (2) 42:7;79:20 read (5) 50:15;54:10;64:10;68:10; 84:9 reads (1) 62:20 ready (1) 49:8 real (3) 103:9,11,12 really (12) 14:2;29:9;35:16;55:4; 56:20,21;59:14;62:9;70:9; 73:17;91:7;100:4 realm (1) 72:19 reason (7) 30:19;45:14;59:17,19; 100:11;102:4,5 reasonable (2) 51:20;52:15 reasoning (1) 59:17 reasons (2) 59:2;102:7 rebuttal (3) 60:12,13;61:17			
Q			
qualified (1) 100:9 qualify (2) 61:21;100:12			

received (2) 5:20;54:11	18:18;24:1;68:4;87:19	25:15;71:5;74:21;84:17	43:10
recently (1) 94:20	released (2) 41:16;79:13	respect (3) 80:1;83:11;85:4	ruling (1) 103:15
recess (6) 48:6,8,9,11,17;104:6	releases (2) 18:2;20:16	responding (2) 18:17;19:7	run (1) 79:12
recessed (4) 5:5;48:13;104:11,13	relevant (8) 14:20;50:1,1,4,10,11,11; 85:8	response (3) 49:12;69:7;81:17	S
recipients (3) 62:14,18;83:4	relied (1) 21:11	responsibilities (2) 8:14;30:21	
recognized (1) 13:8	relief (1) 5:17	responsibility (3) 18:17;73:15;100:18	S3 (1) 68:21
recollect (1) 84:8	rely (1) 17:1	responsible (4) 25:14,21;26:6,19	sadly (1) 66:19
recollection (2) 46:8;80:14	remedial (2) 93:12,20	restrictions (2) 24:8;94:6	sailor (1) 32:7
record (3) 5:14;61:9;86:16	remember (1) 80:13	result (3) 90:3;93:15,16	sailors (1) 30:10
recording (1) 83:2	remembering (3) 94:18;95:5;98:5	resulting (8) 62:1;67:17;69:3,7;70:13, 21;71:6;77:17	same (13) 24:2,20;38:10;43:21; 44:5;53:6;54:21;57:19; 61:4;62:10;77:15;81:8; 103:19
recovery (1) 67:2	remoteness (1) 58:6	retire (1) 9:6	sat (1) 29:7
Redefined (1) 20:19	removed (10) 21:4;42:5,5,17;43:12,17; 56:19;57:2;70:16;82:12	retired (1) 48:21	saw (1) 100:7
redirect (2) 38:17;47:2	repainting (1) 70:20	retrieval (1) 41:10	saying (7) 19:19;51:1;52:6;57:20; 60:19;64:14;98:9
reference (6) 51:3;52:21;53:3,17;55:5; 79:17	reply (3) 5:16;50:16,17	re-triggering (2) 94:18;95:5	scapel (1) 73:16
referenced (1) 60:1	report (2) 81:14,21	retrospect (1) 80:13	scope (2) 63:7,20
referencing (1) 50:21	reported (2) 9:19;80:11	revamp (1) 68:17	scrutinized (1) 47:9
regard (1) 82:5	reporting (5) 14:19;16:18;54:11,11,15	review (3) 36:19;77:10;80:16	search (2) 67:5;69:6
regarding (1) 95:2	representative (1) 11:2	reviewing (2) 18:21;19:9	second (6) 6:6;63:12;69:10;77:3; 80:20;95:18
regardless (1) 43:8	republishing (1) 19:2	Reykjavik (1) 18:14	Secondly (1) 61:8
regards (2) 49:19;95:7	requests (1) 5:21	right (23) 5:13,19;6:2;8:1;29:21; 30:8;31:3;32:4;33:8;36:15; 37:15,17,18;38:10,16; 44:20;47:17;75:12;77:4; 85:11;95:15;96:3;103:14	secret (12) 37:19;38:1,2,7,8,9;41:20; 43:15,15,16,19;44:1
regulation (2) 53:8,9	required (3) 22:11;56:18;84:13	ripple (2) 87:6,7	Secretary (11) 9:18;12:3;26:14;33:16; 35:1;41:14;48:19;73:7; 80:3,16,21
reiterate (1) 20:20	requirement (4) 51:18;52:16,16;57:6	risk (5) 55:2;79:10,12;96:6; 101:12	secure (1) 22:18
relate (2) 81:16,18	requirements (1) 44:9	Roger (2) 35:8,11	security (10) 11:5;19:1;22:10;60:17; 61:10;62:5;77:17;86:11; 88:15,18
related (29) 11:7,14;30:20;36:13; 39:18;40:21;55:13,17;57:2, 4,9,17;58:7;62:1;66:16; 67:2,8,17,21;68:12;69:2,6, 21;70:13,21;71:5;96:18; 98:13;101:18	requires (1) 81:16	role (2) 12:5;81:1	seeing (1) 84:21
relates (1) 81:21	reread (1) 84:8	roster (6) 66:4,9;67:10,13;84:14,15	seem (1) 53:20
relations (1) 88:16	researching (1) 71:2	route (1) 39:3	seems (1) 64:9
relationship (3) 58:16,20;87:20	reserved (1) 103:15	routing (1) 39:1	selling (2) 60:10;61:1
relationships (4) 59:6;71:15;95:10,16	re-significance (1) 95:6	rule (3) 57:6,16;103:15	send (2)
release (4)	resistant (1) 71:3	rules (5) 13:19;39:6;40:15,17;	
	Resource (5) 11:18;24:9;25:18;34:6; 94:7		
	resources (4)		

15:21;21:14 sense (2) 28:2,10 sensitive (2) 34:12,14 sensitivity (4) 39:8,9,11,15 sent (6) 12:12;13:1,4,9;15:8;17:9 sentence (13) 63:10,12,13,15,21;64:4, 14,18;65:14;83:8,12,20; 84:10 sentencing (11) 50:4,9;58:10;60:13;65:4; 70:2;77:19;78:12;81:7; 84:1;89:10 separate (4) 81:1,4,4,12 Sergeant (2) 53:14;54:6 series (5) 19:2;97:14 Service (5) 8:21;9:2,5,13;34:19 session (1) 104:3 set (2) 13:19;65:21 sets (1) 85:7 setting (1) 81:17 settled (1) 98:1 seven (1) 5:8 several (1) 73:6 sexual (2) 55:9;83:2 shake (1) 6:7 shared (1) 42:9 Sharing (10) 7:16;9:12;10:5,13;17:12; 21:4;22:9;29:10;30:7;44:10 sheet (2) 77:15;82:1 shirk (1) 100:17 shored (1) 81:3 show (9) 53:1;59:1,12;75:8,15; 76:2;96:17;102:5;103:11 side (5) 49:1;70:19;71:10;73:20; 74:6 sifting (1) 91:20 SigAct (1)	75:11 significant (1) 49:16 significantly (2) 24:12;65:11 similar (9) 20:3;21:18;54:14;55:21; 56:14;78:5;79:19;84:18; 94:4 simple (1) 70:9 simply (2) 80:16;84:20 single (1) 43:21 SIPDIS (7) 20:20;21:7;28:13,14,16; 32:12;38:4 SIPRnet (22) 15:5,12;16:6,10;21:5,19; 22:14;23:6,19;29:13,15,21; 32:13,15,20;42:6,17,21; 43:12,17;45:2;94:6 sites (1) 55:1 situation (2) 97:20;98:3 six (1) 69:14 sleep (1) 56:12 small (2) 45:16;46:15 smaller (1) 46:4 smuggled (1) 100:13 Snowden (3) 94:20;95:2,8 so-called (1) 59:12 soldier (10) 29:16,18;32:6;51:14,14; 54:7;60:13;72:21;84:16,18 soldiers (2) 22:11;30:10 somebody (7) 59:9;60:20;67:14,14; 70:19;74:17;97:7 somebody's (1) 74:3 someone (5) 13:12;30:20;31:5,10; 45:12 Sometime (1) 18:10 somewhat (1) 97:19 soon (1) 17:9 SOPs (1) 68:16 sorry (2)	48:15;78:20 sort (7) 36:19;38:10;66:10;74:1; 83:13;87:6;90:8 sorts (1) 35:6 sound (3) 37:14,17,19 sounds (1) 22:6 source (2) 53:16;76:3 sources (1) 96:10 speak (2) 35:16;36:11 speaking (1) 31:21 specific (9) 34:15,20;52:21;69:14,15; 85:18;86:7,12;93:18 specifically (8) 12:5;20:5;36:13;51:20; 61:9;77:21;82:21;86:15 specification (1) 82:2 specifications (1) 82:1 specified (1) 80:18 spectators (2) 5:10,11 spectrum (1) 24:16 speculative (7) 57:7;58:15;70:1;92:20; 97:5;99:12;100:21 spelled (1) 57:8 spend (1) 71:2 spent (4) 73:5,10,10,17 spoke (1) 38:20 spring (2) 18:11,12 stabilized (1) 95:18 STADIS (1) 35:18 stand (1) 11:16 standard (3) 51:16,16;54:19 standpoint (2) 50:12;76:16 star (1) 9:9 start (6) 49:16;53:5;57:20;75:21; 76:9,10 started (2)	18:21;39:7 starting (1) 94:2 starts (1) 50:18 State (47) 7:14,21;8:3,11,15;9:15; 11:2,3,16,20;12:6;14:3,9; 16:10,12;17:12;18:9;20:6; 24:7,14,16;25:11,15;26:2; 29:7;35:2,20,21;43:20; 45:17;46:7;47:12;59:4; 70:6;77:21;78:18;79:9,13; 81:9;82:3;89:12;94:11; 99:5,8;101:7,10;102:10 stated (3) 61:9;63:19;86:4 States (40) 6:15;8:2;20:1,7;22:5; 53:6,7;54:21;55:7;57:16; 60:7,8;62:11;65:14,18; 75:18;77:9,15;78:3,15;79:1, 2;80:9;81:5,10;82:5;84:12; 86:9;88:14,14,18,20;89:19; 90:11,15;91:5;94:1,9;95:1; 101:9 State's (4) 7:7,11,15;79:20 statistics (1) 54:12 status (1) 55:10 stay (1) 56:6 stenographer (1) 5:9 steps (5) 20:2,17;46:19;70:15; 77:16 still (20) 8:20;30:4,8,15;31:2,11; 38:5,9;46:10,11;48:2; 54:20;62:10;78:14;79:11; 87:16;98:17,21;100:1; 103:8 stipulate (1) 7:20 stipulation (1) 8:6 stolen (1) 43:4 stop (2) 27:21;58:13 storage (2) 40:15;41:9 stored (1) 12:17 straight (1) 59:8 strategic (3) 92:2,11;93:7 stricter (1) 22:17
---	--	--	---

<p>strong (1) 57:11</p> <p>structure (1) 44:14</p> <p>stuff (14) 33:21;34:6;38:8,9;57:1,2; 69:1,2;72:18;76:11;98:18; 100:13,13;101:1</p> <p>subcomponents (1) 13:20</p> <p>sub-distribution (1) 41:11</p> <p>subject (11) 18:4;34:17;35:15;41:5; 42:2;52:11;76:13;87:1; 89:7;90:17;91:12</p> <p>subjected (1) 56:11</p> <p>subjecting (2) 55:2,18</p> <p>subjects (1) 41:10</p> <p>subsequent (4) 22:6;77:10;93:12,20</p> <p>subsequently (1) 81:10</p> <p>subset (6) 44:2;45:16;46:4,15; 86:14,15</p> <p>subsided (1) 95:11</p> <p>substance (1) 38:21</p> <p>substantively (1) 36:21</p> <p>suffice (1) 46:9</p> <p>summarize (1) 10:3</p> <p>support (5) 53:2,4;62:3;64:3;76:19</p> <p>supported (1) 63:21</p> <p>Supporting (2) 64:4;65:18</p> <p>supportive (1) 62:9</p> <p>supposed (2) 66:18;88:10</p> <p>Sure (7) 31:2;34:21;42:16;77:7, 14;96:12;98:17</p> <p>surprise (3) 42:21;43:3,6</p> <p>Susan (3) 6:15,17;7:2</p> <p>sustained (1) 89:3</p> <p>Swart (7) 6:15,17;7:2;8:2;20:8; 27:8;47:20</p> <p>sworn (1) 6:18</p>	<p>system (25) 13:8;14:1,2,4,5;15:8,11, 12;17:17;19:14;20:21; 21:18;22:13;23:2,2,21; 28:6;43:1;44:4,4,6,8,9,15; 81:4</p> <p>Systems (21) 7:12,15;8:16,17,18;10:4, 8,9,12,14,16,17,18,19;12:9, 9,11;18:21;43:8,9;44:15</p> <p>T</p> <p>table (1) 77:6</p> <p>tabs (2) 98:16;99:8</p> <p>tag (1) 41:5</p> <p>tags (4) 40:20;41:3,8,8</p> <p>talk (10) 28:13;32:11;34:18;36:17; 46:16;57:21;65:5;76:6; 83:1;99:15</p> <p>talked (4) 29:1;43:11;50:7;96:5</p> <p>Talking (10) 35:15;41:3;42:4;50:18; 56:20;58:7,13,14;90:2; 92:12</p> <p>talks (1) 96:6</p> <p>task (3) 48:19;73:1;78:11</p> <p>tasking (3) 48:18;81:2,4</p> <p>taught (1) 51:12</p> <p>team (6) 20:6;78:2,13,18;79:11; 81:9</p> <p>teams (1) 78:8</p> <p>technical (1) 23:21</p> <p>technically (7) 19:15;23:12;31:18,21; 46:13;47:6,9</p> <p>telegram (2) 28:18;41:1</p> <p>telegrams (6) 12:12;15:7,13;21:7,12; 44:14</p> <p>telephone (1) 13:13</p> <p>telephones (1) 12:8</p> <p>telling (1) 30:11</p> <p>Temporarily (4) 47:17,19,20;48:3</p> <p>ten (1)</p>	<p>63:6</p> <p>terabytes (9) 63:3,6;64:16;65:2,5,10; 82:20;83:17;84:3</p> <p>term (6) 14:8;25:19;41:3;77:13; 78:4;81:8</p> <p>terms (4) 12:21;38:11;41:15;70:9</p> <p>TERRA (1) 36:10</p> <p>terrorism (4) 36:13;90:12;93:4;99:15</p> <p>terrorists (2) 90:14;93:4</p> <p>tested (2) 55:8;90:17</p> <p>testified (12) 6:20;25:10;42:11;44:3; 48:19;54:15;58:16;61:4,5; 68:6;69:11,15</p> <p>testifies (4) 6:6,7;58:18;98:15</p> <p>testify (13) 53:14;56:15;60:15;69:13, 20;71:13;78:7,7;91:21; 93:15;97:1,10;100:7</p> <p>testifying (4) 42:5;60:9;68:8;90:1</p> <p>testimony (25) 47:21;50:7;57:1;58:14; 60:11,19;69:12;78:11,13; 79:10,14,16;87:4;90:4,8; 91:7,9,20;92:9;99:3;101:15, 21;102:17;103:8,13</p> <p>theory (1) 55:18</p> <p>thinking (1) 30:17</p> <p>third (2) 88:20;102:16</p> <p>though (5) 38:8;60:18;77:12;96:21; 101:4</p> <p>thought (2) 92:8;101:16</p> <p>thousand (1) 75:14</p> <p>threat (2) 62:5;75:12</p> <p>three (6) 51:10;70:4;86:11,11; 97:3;100:1</p> <p>throughout (4) 5:12;26:2;41:2;43:1</p> <p>thus (1) 88:21</p> <p>tie (5) 16:17;75:15;88:17;89:6,9</p> <p>tied (2) 89:8;102:19</p> <p>ties (1) 85:2</p>	<p>tightening (1) 19:1</p> <p>timeframe (1) 20:18</p> <p>times (1) 89:2</p> <p>title (1) 12:3</p> <p>today (9) 6:4;7:9,10;69:19;77:13; 79:10;86:17;96:7;101:11</p> <p>together (3) 11:12;68:15,21</p> <p>took (5) 20:3;69:13;81:10;99:4,19</p> <p>TOOMAN (16) 7:19;8:5;19:3;20:11; 22:2;25:6,8,9;29:15;36:7; 38:14;41:16;42:12;44:21; 45:1;47:1</p> <p>top (10) 33:21;38:1,2,7,8,9;43:15, 16,19;44:1</p> <p>topic (2) 16:7;41:8</p> <p>totally (2) 40:21;59:20</p> <p>tough (1) 28:7</p> <p>towards (1) 28:10</p> <p>track (2) 21:19;23:8</p> <p>tracking (7) 97:1,10;98:16;99:1; 101:11,21;102:5</p> <p>traditional (3) 15:3;16:19;17:7</p> <p>traffic (1) 14:14</p> <p>trailer (1) 5:11</p> <p>training (6) 21:2;66:2,6,13;68:17,18</p> <p>transmitted (2) 12:17;43:4</p> <p>trial (5) 41:2;48:2;60:14;61:8; 83:21</p> <p>tried (2) 59:11;80:13</p> <p>trier (3) 84:1;85:9;90:18</p> <p>trigger (1) 102:11</p> <p>triggering (1) 98:5</p> <p>true (1) 96:9</p> <p>trusted (1) 47:15</p> <p>truth (3) 6:19,19,20</p>
---	---	--	---

<div>try (1) 21:17</div> <div>trying (7) 58:1;61:20;71:9;72:1; 73:14;100:12,17</div> <div>turn (1) 61:1</div> <div>two (13) 9:9;38:20;48:20;51:21; 70:17;79:7,8;82:18,19; 88:7;92:3;103:20,21</div> <div>type (16) 10:16;21:18;23:21;24:19; 34:6;39:13;52:1;54:14; 57:17,19;58:6;69:1,8; 85:18;95:11;101:1</div> <div>types (6) 40:9;86:7,12,14,20;90:21</div>	<div>unknown (3) 62:14,18;83:4</div> <div>unlawful (2) 62:14;88:12</div> <div>unrelated (3) 59:15,21;98:6</div> <div>unreported (1) 62:11</div> <div>up (13) 19:1;28:19;29:9;35:7; 46:18,19;60:12,14;66:6,14; 77:20;81:3;88:2</div> <div>upon (3) 54:9,9;99:4</div> <div>upset (2) 93:9;95:19</div> <div>use (14) 15:17;16:12;20:19;39:16; 56:4;60:9,15,15;61:16; 68:8;78:4;80:16;82:5;90:15</div> <div>used (14) 16:4,8,11;20:20;25:19; 33:8,15;39:1,2;41:16; 90:20;91:1,16;99:17</div> <div>user (2) 17:19;24:7</div> <div>users (9) 16:10,10;21:7,19;23:6; 24:21;30:9;32:21;42:21</div> <div>using (8) 17:1,3;28:3;41:13;60:20; 73:4;74:16;75:10</div>	<div>63:3</div> <div>Vienna (2) 15:20,21</div> <div>view (3) 13:4;24:14;100:11</div> <div>violating (1) 53:8</div> <div>Virginia (2) 15:20,21</div> <div>vital (1) 76:2</div> <div>volume (1) 65:11</div> <div>von (1) 48:16</div> <div>vote (2) 51:19;86:3</div> <div>voting (2) 51:18;52:16</div> <div>vulnerabilities (1) 89:14</div>	<div>Whereupon (1) 6:16</div> <div>whole (7) 6:19;11:19;19:2;24:16; 68:15;72:11;102:16</div> <div>wholly (1) 60:3</div> <div>wide (1) 32:15</div> <div>widely (1) 27:14</div> <div>WikiLeaks (15) 11:8;12:19;18:1,2;25:12; 38:4;42:7;44:5;47:14; 79:18;80:19;81:15;89:8; 90:5;95:17</div> <div>willing (3) 100:19,20,21</div> <div>wise (1) 6:8</div> <div>within (18) 8:18;9:5,10,12;11:3;12:6; 13:15;14:3;35:15;43:18; 44:10;45:20;51:15;54:12, 12;77:21;93:3;94:1</div> <div>without (1) 82:17</div> <div>witness (26) 6:5,7,13,18;20:9;21:14; 36:5;48:3;58:14,16,18;60:9, 11,19;61:4,4;69:8,10,11,19; 72:2;78:6;89:17;100:8,9; 101:2</div> <div>witnesses (20) 54:15;56:15;60:13,14; 68:6;69:19;70:6;79:1;89:6, 12,20;92:3;93:15;99:14; 100:4,5,5,6;103:18,19</div> <div>words (1) 80:16</div> <div>work (4) 14:20,20;45:10;79:18</div> <div>workarounds (1) 21:9</div> <div>worked (3) 21:9;29:1;92:12</div> <div>working (7) 20:19;76:10;78:2;79:8, 11,18;96:7</div> <div>works (2) 6:8;14:6</div> <div>world (3) 24:12;33:3;59:13</div> <div>worldwide (2) 12:7;102:13</div> <div>written (1) 20:5</div>
U		W	
<div>Ultimately (6) 77:8,14;79:8;85:6;86:3; 87:17</div> <div>umbrella (1) 85:16</div> <div>unaccounted (2) 84:16,18</div> <div>unauthorized (1) 80:17</div> <div>uncharged (1) 57:15</div> <div>unclassified (5) 10:15;12:10;37:14;39:19; 41:20</div> <div>under (16) 5:17;11:21;18:16;22:3; 26:5,5;51:7;52:3;55:3,15; 57:6;74:9;75:2,20;85:10; 89:5</div> <div>Undersecretary (3) 9:19;79:17;81:2</div> <div>understands (1) 72:14</div> <div>understood (2) 27:9;43:9</div> <div>unique (2) 97:19;102:9</div> <div>unit (2) 53:15;54:12</div> <div>United (38) 6:15;8:2;19:21;20:7; 22:4;53:6,7;54:21;55:7; 60:7,8;62:11;65:18;75:18; 77:9,15;78:3,15;79:1,2; 80:8;81:5,10;82:4;84:12; 86:9;88:13,14,18,20;89:19; 90:11,15;91:5;94:1,9;95:1; 101:9</div> <div>unit's (1) 66:6</div> <div>universe (1) 86:6</div>	V	<div>wait (2) 15:14;52:4</div> <div>waiting (1) 17:17</div> <div>walk (2) 33:10;46:19</div> <div>warn (5) 55:9,12,13,17;56:2</div> <div>warrant (2) 39:10;86:13</div> <div>watching (1) 97:2</div> <div>way (16) 14:6;17:12;21:20;23:6, 10;28:6,21;31:15;41:9; 42:20;43:1;46:5,11;57:7; 99:18;103:19</div> <div>ways (2) 20:21;86:11</div> <div>website (2) 80:19;81:15</div> <div>Wednesday (1) 78:16</div> <div>week (1) 69:19</div> <div>weight (1) 89:8</div> <div>weird (1) 34:9</div> <div>weren't (4) 17:5;42:18;56:20;96:9</div> <div>Wes (1) 62:12</div> <div>whatnot (1) 74:3</div> <div>What's (10) 5:15;36:12;41:4;60:18; 61:8;69:19;72:20;79:21; 87:18;93:10</div>	X
			X-Y-Z (4) 72:3;75:19;76:3;90:10

		63:2 703 (1) 100:13
Y	2	
year (1) 63:2	20 (3) 9:14;48:8,9	8
years (10) 9:4,10,11;14:7;70:4;97:2, 3,3,3;100:1	2010 (4) 12:17;18:10,13,14	8 (1) 80:11
yesterday (3) 5:18;48:20,20	2012 (1) 8:12	802 (1) 6:3
Yesterday's (1) 69:10	2013 (3) 5:18;62:11;76:11	885 (1) 53:6
0	23 (3) 9:4,10;14:7	9
0925 (1) 5:7	251,000 (1) 43:3	9 (1) 85:19
1	27 (1) 53:6	946 (1) 65:19
	279 (1) 57:8	
	29 (1) 66:3	
1 (1) 5:18		
10 (10) 63:3;64:15;65:1,5,9; 69:13;82:20;83:17;84:2; 102:2	3	
100 (2) 96:16;101:21	3 (2) 50:19;83:6	
100,748 (1) 37:17	3238073 (1) 62:12	
1000b4 (1) 19:4	33 (1) 65:19	
1001 (1) 85:6	39A (1) 104:3	
1001b4 (27) 5:17;50:12,14;51:1,8,11; 52:3,18;55:3,16;57:14; 61:20;63:8;64:11;70:11; 71:10;72:15;73:13;74:10, 16;75:2,16,20;85:10,15; 89:5;100:16	4	
1004 (15) 51:3,4,6,6,11,12,15,18; 52:9,15,17;85:5,13,17;86:6	4 (1) 60:8	
103 (1) 54:21	403 (2) 54:2,19	
11:45 (1) 104:13	44 (1) 54:21	
12:00 (1) 104:6	5	
13 (1) 85:19	5 (1) 65:19	
133,887 (1) 37:14	6	
1330 (2) 104:11,12	616 (1) 89:17	
15 (2) 98:12;102:1	629 (1) 49:13	
15,652 (1) 37:19	630 (2) 5:16;49:11	
19 (1) 9:14	631 (2) 49:9;73:6	
	64 (1) 57:8	
	7	
	7 (1)	